

HUMAN RIGHTS IN CHINA: IMPROVING OR DETERIORATING CONDITIONS?

HEARING BEFORE THE SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS OF THE COMMITTEE ON INTERNATIONAL RELATIONS HOUSE OF REPRESENTATIVES ONE HUNDRED NINTH CONGRESS SECOND SESSION

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HUMAN RIGHTS IN CHINA: IMPROVING OR DETERIORATING CONDITIONS?

WEDNESDAY, APRIL 19, 2006

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND INTERNATIONAL OPERATIONS,
COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:30 a.m. in room 2172, Rayburn House Office Building, Hon. Christopher H. Smith (Chairman of the Subcommittee) presiding.

Mr. SMITH. The Subcommittee hearing will come to order. And I want to wish everybody a very good morning.

Today's hearing of the Subcommittee on Africa and Global Human Rights and International Operations will examine the Chinese human rights record, especially such areas as China's censorship of the Internet, implementation of the right of Chinese citizens to worship freely, the protection of minority rights, compliance with international labor standards, China's barbaric practice of organ harvesting, and the destructive effects on Chinese society—especially on women—of its government's coercive one-child-per-couple policy.

Over the years, I have held more than 25 hearings on human rights abuses in China. While China's economy has improved somewhat, the human rights situation remains abysmal. So-called economic reform has utterly failed to result in the protection of freedom of speech, expression, or assembly.

This week's visit of President Hu Jintao of China to the United States provides the United States Congress, and the people, an opportunity to bring to the attention of United States policymakers, and the world community, the terrible human rights situation that exists in China today.

It will also help provide the vital context for any relationship that we would have with China.

And it will, I hope, convey our unshakeable resolve and commitment to press Beijing for serious, measurable, and durable reform. The people of China deserve no less. It is our moral duty to stand with the oppressed, not the oppressor.

The State Department human rights reports and the consistent reporting from very reputable NGOs indicate that Chinese Government's repression of its citizens continues unabated. In fact, the current Chinese regime is one of the very worst violators of human rights in the entire world and continues to commit egregious crimes against its own citizens every single day.

At a rough count, the most recent State Department human rights report for China ran about 45,000 words. Before it even get down to the details, the report lists 22 major human rights problems. Few, if any, nations can begin to match this unseemly record from the systematic denial of political freedom, to the use of torture, to interference in the most private matters of family and conscience.

I note, parenthetically, that China continues to be regarded by the U.S. State Department as a country of particular concern, a CPC country, joining only a handful of countries around the world that persecutes people of faith. In China, those who want to practice Falun Gong, a spiritual exercise, are so roughly treated that China has been designated as a CPC country, and that is a very dubious distinction indeed.

The State Department report, and I will only list a couple of these and put the report in the record, talks about the denial of the right to change the government, a right that every democracy enjoys. If we don't like what the Republicans or Democrats are doing, elections can hold the key for reform or change in any given election. And so it is with democracies all over the word. You can't change the Government of China.

Physical abuse resulting in deaths in custody, torture and coerced confessions of prisoners, again, these are State Department concerns expressed in their report along with politically-controlled judiciary, the house arrests, nonapproved surveillance, and detention of the dissidents.

The use of coercive birth limitation policies, in some cases, result in forced abortions and sterilizations. Increased restrictions of freedom of press. And it goes on and on and on.

The restrictions on labor rights, including the freedom of association, the right to organize and bargain collectively, worker health and safety, and forced labor, including prison labor. Beijing as we know, ladies and gentlemen, has increasingly viewed the information available on the Internet as a potential threat to the party's ability to control the population and monopolize political power.

It has turned China into one of the most Internet restrictive countries in the world. It is important to note that the freedoms that we enjoy in America, allow individuals to publish information and news on the Web unfiltered.

Those freedoms do not exist in China. Individuals who attempt to speak freely are imprisoned and even tortured. At the very least, United States corporations should not be aiding and abetting that process.

Yet, at a February hearing I chaired on the Internet in China, we learned in greater and disturbing detail how some of the biggest corporations in America have partnered with the much-hated Chinese secret police to find, apprehend, convict, and jail pro-democracy advocates.

Yahoo! told us at the hearing how profoundly they regret sending Shi Tao to prison for 10 years. But they couldn't tell us, and didn't seem to want to know, how many others were condemned to jail and torture because of Yahoo!'s complicity with the secret police. When I asked under what terms and conditions, court order, police demand, fishing trips, Yahoo! surrendered emails and address files,

Yahoo! told us they couldn't reveal that information to us because it would break Chinese law.

Google, for its part, created an exclusively Chinese search engine that only Joseph Goebbels would love. Type in any number of vile words like human rights, Tiananmen Square or Falun Gong, and you will get rerouted to government propaganda, much of it heavily anti-American and anti-George Bush and filled with hate, especially for the Falun Gong.

How did Google respond to our deep concern about their enabling a dictatorship to expand its hate message? According to the *New York Times* report in late March, they hired big-time Washington lobbying firms like Podesta-Mattoon and DCI group to put a good face on it all and presumably to kill my pending legislation, the Global Online Freedom Act of 2006.

Amazingly, Cisco showed no sellers remorse whatsoever when its technology, especially Policenet—a tool for good in the hands of honest cops and legitimate law enforcement, but a tool of repression in the hands of Chinese police—has now effectively linked and exponentially expanded the capabilities of the Chinese police and the Chinese military as well.

Microsoft also centers and shuts down blogs that Big Brother objects to. You can be sure that no serious discussion on human rights was on the agenda when President Hu visited with Bill Gates at Microsoft.

China's continued repression of religion is among the most despotic in the world. In February, the BBC reported that China has warned Hong Kong's newly appointed cardinal, Joseph Zen, a well-known critic of China's suppression of religious freedoms, to remain quiet on political issues. Citizens practicing a faith other than officially sanctioned religions are often subjected to torture and imprisonment and death, at which time prisoner organs are frequently harvested to meet demand.

Christians, Tibetan Buddhists and Muslim Uighurs are all being persecuted for their faith. Today, numerous underground Roman Catholic priests and bishops and protestant pastors languish in the infamous Chinese concentration camps, known as the Laogai, for simply proclaiming the gospel of Jesus Christ.

In the early 1990s, I met with Bishop Su of Baoding, a gentle and kind man that celebrated mass for our small delegation. And Joseph Kung remembers and knows this case extremely well. I was deeply inspired by his faith, he had recently been let out of jail, and also by his compassion for those who had jailed and mistreated him.

He had no animosity for them, I found that amazing, only compassion and forgiveness. What kind of regime incarcerates a truly noble man like this, I thought. Soon after our visit, he was rearrested on false charges, released, rearrested and jailed again. He has now spent at least 27 years of his life for loving God and loving his neighbor.

What kind of barbaric regime hurts a man like this?

And then there is a special hate Beijing pours out on the Falun Gong. Nearly 7 years ago, the Chinese Government began its brutal campaign to completely eradicate Falun Gong through whatever means necessary. Many party members and army officials had

begun to practice Falun Gong. Like all dictators in totalitarian terrorist systems, the PRC fears and hates what it cannot control. So it decided to destroy and intimidate those who practice Falun Gong.

We see before us a Stalinist nightmare revived for the 21st century. Hundreds, perhaps thousands dead as a result of torture, tens of thousands jailed without trial, held in labor camps, prisons and mental hospitals where they are forced to endure torture and brainwashing sessions.

Just over a year ago, Beijing finally released the reknowned human rights activist Rebiya Kadeer from prison, where she had been held for years on trumped up charges for defending the rights of her fellow Uighur Muslims in China. We had hoped this signaled some sort of genuine improvement in Beijing's treatment of human rights. But now we know better.

Since Rebiya, who is now living in America and will speak shortly to us, has continued to campaign for recognition of the legitimate rights of her fellow Uighurs, her relatives and business associates still in China are being subjected to renewed harassment by authorities.

Again, she is here to testify and we are grateful for her attendance.

Let me make just brief mention of another issue, and that is coercive family planning policy. China has slaughtered more innocent children than any war in human history. Coercive family planning has wounded Chinese women by the millions. And one of the psychological consequences is that some 500 Chinese women commit suicide every day. Every day. China's one child per couple decreed in 1979 has killed hundreds of millions of babies, by imposing draconian fines up to 10 times annual salaries on their parents to force them to abort.

Who can fight that kind of economic coercion?

In China today, brothers and sisters are illegal, sex selection abortions, a direct consequence of allowing only one baby per couple, has led to gendercide, approximately 1 hundred million girls are missing in China.

One Chinese demographer has admitted that by the year 2020, 40 million Chinese men won't be able to find wives because Beijing's weapon of mass destruction—population control—has destroyed the girls.

Gendercide.

Ongoing and pervasive in the PRC.

Then there is the lack of recourse for millions of Chinese laborers, trapped in poor working conditions. Those who protest unjust wage and labor practices outside of the government controlled labor union are arrested and imprisoned. Chinese citizens are often persecuted just for going to court to secure rights, which, even under current Chinese law, as restrictive as it is, guarantees them.

And the lawyers, who seek to help them, are threatened, harassed, beaten, disbarred and jailed, for simply doing their duty.

They join countless prisoners of conscience in China's modern day concentration camps. They are found everywhere in China, the Laogai that Harry Wu has spoken so eloquently about and has spent some 16 years of his life in and will be testifying about short-

ly. There are now more than 1,100 of those terrible Laogai littered throughout China.

Finally, we will hear testimony about China's barbaric policy of harvesting human organs for sale and transplant. China admits it does this. According to the Chinese ministry of health, since 1993 there have been over 65,000 transplant procedures performed in China. China's deputy health minister recently stated that 95 percent of the organs for organ transplants performed in China are from executed Chinese prisoners.

Of course, it claims that it only harvests the organs of executed prisoners and only if they or their families consent. But what value can such a statement have in a country where the death penalty is virtually an assembly-line process where, according to the State Department's human rights report for 2005, foreign experts estimate between 5,000 and 12,000 people are executed every year.

Chinese courts hand down the death sentence for an ever expanding range of crimes, including nonviolent and political crimes. Appeals are conducted hastily, if at all.

In an effort to boost profits, it is reported that some provincial or local officials in China have begun to allow mobile medical vans at execution sites to facilitate the ease and efficiency at which prisoners organs may be harvested.

We have all heard the recent horrific stories that China is now targeting the thousands of innocent Falun Gong prisoners it holds for organ harvesting and perhaps not even waiting until they are dead. The State Department and U.N. Special Rapporteur for torture, Manfred Nowak, has been investigating. They must get to the truth of these blood curdling stories and do everything to stop this shameful practice.

Finally, let me say to my friends and colleagues that human rights are everyone's rights. Governments are instituted to secure, protect, and safeguard those rights. Human rights aren't privileges and they are indivisible. Human rights are worth fighting for, even when they are costly and even when it is inconvenient, especially when it is inconvenient to trade. I want to thank our witnesses for being here today to talk about these vitally important issues, especially on the eve of President Hu's visit to the White House tomorrow.

[The prepared statement of Mr. Smith follows:]

PREPARED STATEMENT OF THE HONORABLE CHRISTOPHER H. SMITH, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY AND CHAIRMAN, SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS AND INTERNATIONAL OPERATIONS

The Subcommittee will come to order, and good morning to everyone. Today's hearing of the Subcommittee on Africa, Global Human Rights and International Operations will examine China's human rights record, especially such areas as China's censorship of the internet, implementation of the right of Chinese citizens to worship freely, protection of minority rights, compliance with international labor standards, China's barbaric practice of organ harvesting, and the destructive effects on Chinese society—especially on women—of its government's coercive one-child policy.

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in China today. It will also help provide the vital context for any relationship we should have with China. And it will, I hope convey our unshakeable resolve and commitment to press Beijing for serious, measurable and durable reform. The people of China deserve no less. It is our moral duty to stand with the oppressed, not with the oppressor.

State Department human rights reports and the consistent reporting from very reputable NGOs indicate that Chinese government repression of its citizens continues. In fact, the current Chinese regime is one of the very worst violators of human rights in the world, and continues to commit every single day egregious crimes against its own citizens. At a rough count, the most recent State Department Human Rights Report for China ran to about 45,000 words. Before it even gets down to details, the report lists 22 major rights problems. Few if any nations can even begin to match this unseemly record, from the systematic denial of political freedom and use of torture to interference in the most private matters of family and conscience.

1. *denial of the right to change the government*
2. *physical abuse resulting in deaths in custody*
3. *torture and coerced confessions of prisoners*
4. *harassment, detention, and imprisonment of those perceived as threatening to party and government authority*
5. *arbitrary arrest and detention, including nonjudicial administrative detention, reeducation-through-labor, psychiatric detention, and extended or incommunicado pretrial detention*
6. *a politically controlled judiciary and a lack of due process in certain cases, especially those involving dissidents*
7. *detention of political prisoners, including those convicted of disclosing state secrets and subversion, those convicted under the now-abolished crime of counterrevolution, and those jailed in connection with the 1989 Tiananmen demonstrations*
8. *house arrest and other nonjudicially approved surveillance and detention of dissidents*
9. *monitoring of citizens' mail, telephone and electronic communications*
10. *use of a coercive birth limitation policy, in some cases resulting in forced abortion and sterilization*
11. *increased restrictions on freedom of speech and the press; closure of newspapers and journals; banning of politically sensitive books, periodicals, and films; and jamming of some broadcast signals*
12. *restrictions on the freedom of assembly, including detention and abuse of demonstrators and petitioners*
13. *restrictions on religious freedom, control of religious groups, and harassment and detention of unregistered religious groups*
14. *restrictions on the freedom of travel, especially for politically sensitive and underground religious figures*
15. *forcible repatriation of North Koreans and inadequate protection of many refugees*
16. *severe government corruption*
17. *increased scrutiny, harassment and restrictions on independent domestic and foreign nongovernmental organization (NGO) operations*
18. *trafficking in women and children*
19. *societal discrimination against women, minorities, and persons with disabilities*
20. *cultural and religious repression of minorities in Tibetan areas and Muslim areas of Xinjiang*
21. *restriction of labor rights, including freedom of association, the right to organize and bargain collectively, and worker health and safety*
22. *forced labor, including prison labor)*

Beijing has increasingly viewed the information available on the internet as a potential threat to the Party's ability to control the population and monopolize political power. It has turned China into one of the most internet restrictive countries in the world. It is important to note that the freedoms that we enjoy in America allow individuals to publish information and news on the Web unfiltered. Those freedoms do not exist in China. Individuals who attempt to speak freely are imprisoned and even

tortured. At the very least, U.S. corporations should not be aiding in that process. Yet at a February hearing I chaired on the Internet in China, we learned in greater—and disturbing—detail, how some of the biggest corporations in America have partnered with the much-hated Chinese secret police to find, apprehend, convict and jail religious believers and pro-democracy advocates.

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In the early 90's I meet with Bishop SU (Zhimin) of Baoding Province—a gentle and kind man who celebrated Mass for our small delegation. I was deeply inspired by his faith (he had recently been let out of jail) and by his compassion for those who jailed and mistreated him. He had no animosity for them—only compassion and forgiveness. What kind of regime incarcerates a truly noble man like this? Soon after our visit, he was re-arrested on false charges, released, and re-arrested and jailed again. He has spent at least 27 years of his life—for loving God. What kind of barbaric regime hurts a man like this?

And then there is the special hate Beijing pours out on the Falun Gong. Nearly seven years ago the Chinese government began its brutal campaign to completely eradicate Falun Gong through whatever means necessary. Many Party Members and Army officials had begun to practice Falun Gong. Like all dictators and totalitarian terror systems, the PRC fears and hates what it cannot control. So it decided to destroy and intimidate those who practice Falun Gong. We see before us a Stalinist nightmare revived for the 21st century—hundreds, perhaps thousands, dead as a result of torture; tens of thousands jailed without trial, held in labor camps, prisons, and mental hospitals, where they are forced to endure torture brainwashing sessions.

Just over a year ago Beijing finally released the renowned human rights activist, Rebiya Kadeer, from prison, where she had been held for years on trumped up charges for defending the rights of her fellow Uighur Muslims in China. We had hoped this signaled some sort of genuine improvement in Beijing's treatment of human rights, but now we know better: since Rebiya, who is now living in America, has continued to campaign for the recognition of the legitimate rights of her fellow Uighurs, her relatives and business associates still in China are being subjected to renewed harassment by the authorities. Rebiyah is with us here today to testify about China's continuing campaign against her peoples.

Coercive family-planning policy in China has slaughtered more innocent children than any war in human history. Coercive family planning has wounded Chinese women by the millions and one of the psychological consequences is that 500 women commit suicide every day. Every day! China's one-child per couple policy, decreed

in 1979, has killed hundreds of million babies by imposing Draconian fines—up to ten times annual salaries—on their parents to force them to abort. Brothers and sisters are illegal. Sex selection abortions—a direct consequence of allowing only one baby per couple, has led to gendercide—approximately 100 million girls are missing—in China. One Chinese demographer has admitted that by 2020, forty million Chinese men won't be able to find wives because Beijing's weapon of mass destruction—population control—destroyed the girls.

There is no recourse for millions of Chinese laborers trapped in poor working conditions. Those who protest unjust wage and labor practices outside of the government-controlled labor union are arrested and imprisoned. Chinese citizens are often persecuted just for going to court to secure rights which even current Chinese law, as restrictive as it is, guarantees them. And the lawyers who seek to help them are threatened, harassed, beaten, disbarred and jailed for doing their simple duty. They join countless prisoners of conscience in China's modern day concentration camps. These are found everywhere in China—more than 1,100 by one count.

Finally, we shall hear testimony about China's barbaric policy of harvesting human organs for sale and transplant. China admits it does this. According to China's Ministry of Health, since 1993, there have been over 65,000 transplant procedures performed in China. China's Deputy Health Minister recently stated that 95 percent of the organs for organ transplants performed in China are from executed Chinese prisoners. Of course it claims it only harvests the organs of executed prisoners, and only if they or their families consent. But what value can such a statement have in a country where the death penalty is virtually an assembly line process? Where according to the Department of State's Human Rights Report for 2005, foreign experts estimate between five and twelve thousand people are executed every year? Chinese courts hand down the death sentence for an ever-expanding range of crimes, including nonviolent and political crimes. Appeals are conducted hastily, if at all. In an effort to boost profits, it is reported that some provincial or local officials in China have begun to allow mobile medical vans at execution sites to facilitate the ease and efficiency with which prisoners' organs may be harvested. We have all heard the recent horrific stories that China is now targeting the thousands of innocent Falun Gong prisoners it holds for organ harvesting, and perhaps not even waiting until they are dead. The State Department and the UN Special Rapporteur for Torture, Manfred Nowak, have been investigating. They must get to the truth of these blood-curdling stories, and do everything to stop this shameful practice.

Human rights are everyone's rights. Governments are instituted to secure, protect, and safeguard those rights. Human rights aren't privileges. Human rights are worth fighting for, even when they are costly, and even when it is inconvenient. I thank our witnesses for being willing to talk about these vitally important issues today.

Mr. SMITH. I would like to now introduce our first panel, and thank them for being here. And panel 1 will begin with Mr. Ethan Gutmann, who is the author of *Losing the New China: a Story of American Commerce, Desire and Betrayal*. He has also written for the *Weekly Standard* and other publications, a former counselor at APCO China, and a former visiting fellow at the Project for the New American Century. Mr. Gutmann won the spirit of Tiananmen and Chance Journalism Awards in 2005 for exposing American corporate participation in censorship and surveillance of the Chinese Internet.

We will then hear from Mrs. Rebiya Kadeer, who is the most prominent Uighur human rights advocate and a leader who spent nearly 6 years in a Chinese prison for standing up to the authoritarian Chinese Government, Mrs. Kadeer is the mother of 11 children and former laundress turned millionaire. Earlier this year, she was nominated for the Nobel Peace Prize. Mrs. Kadeer was released for medical parole by the Chinese Government on March 17, 2005, after pressure from the United States Government, the Congress, and relentless protestations of international human rights organizations. And in October 2005, Mrs. Kadeer established the

International Uighur Human Rights and Democracy Foundation in Washington, DC.

We will then hear from Mr. Joseph Kung, director of the Cardinal Kung Foundation, one of a much smaller group of Chinese refugees to emigrate to the United States under special quota back in 1955. A frequent guest on TV and radio programs, Joseph Kung has spoken before many Catholic organizations and before this Committee in the past.

As a matter of fact, I had the privilege of traveling with him to China on a human rights trip in the 1990s, and it was fascinating how he was able to engage, especially the Catholic patriotic church on what they leave out and how they comply and are complicit with the dictatorship. It was very fascinating and I appreciated his insights. He was the recipient of the Freedom Award from the Cardinal Brezinski Foundation in 1995 and the Freedom House's Center For Religious Freedom in 2001.

Mr. Gutmann, if you would begin please.

STATEMENT OF MR. ETHAN GUTMANN, AUTHOR, "LOSING THE NEW CHINA: A STORY OF AMERICAN COMMERCE, DESIRE AND BETRAYAL"

Mr. GUTMANN. Mr. Chairman, thank you for inviting me to make a contribution to the Committee's profoundly important work.

Approximately 2 months ago, your Committee heard representatives of Google, Microsoft, Cisco and Yahoo! defend their companies' role in constructing China's Internet. Simultaneously, the Committee floated an extremely important draft, the Global Online Freedom Act of 2006, which appeared to place this Committee and the aforementioned companies on a collision course.

Some commentators, particularly those searching for a middle way, characterized the Online Freedom Act as an overreaction. I don't agree. I believe it is better characterized as a tragedy.

I would guess that few people in this room actually desire intrusive government intervention and oversight of U.S. companies. I certainly don't.

I am a former consultant to American cooperations operating in China and a former Vice Chair of the Government Relations Committee for the American Chamber of Commerce in Beijing.

I am also a former believer in the concept that we would change China, not that China would change us.

But I now believe that the Internet Freedom Act may not be comprehensive enough, particularly in explicitly sanctioning Internet surveillance technologies. And I believe that the tragedy did not start with this Committee, but in the very early stages of American involvement in the Chinese Internet. It is the history of a collision course, not so much between Washington and American Internet companies, but between American corporate decisions and American values. And we can study that history for insights and potential solutions from the current dilemma.

Two months ago, company representatives told the history of the stunning expansion of the Chinese Internet using impressive statistics, 110 million users, over 13 million bloggers. And I don't dispute these. But lost in all these figures is the simple point that Chinese Internet freedom has actually been contracting since 1998

when I arrived in China. Censorship was already present on the Chinese Web, the dissident e-mails, spam or samizdat, depending on your perspective, flashed continuously on Chinese users screens, censorship didn't matter if you used proxy servers—that is linking up to another computer that would act as an intermediary, hiding the Web footprints, evading the filter, circumventing the government controls. The most common search words in China at that time were not “Britney” and “Hooters” but “free” and “proxy.”

And about 40 percent of the Chinese users employed proxies and a week after arriving, so did I.

A year later, working in my Beijing office, I received an e-mail from a United States friend with the words “China,” “unrest,” “labor,” and “Xinjiang” in strange half-tone brackets, as if the words had been picked out by a filter. Now, I had really never seen anything like this, but what I didn't realize at the time was that the capability to search inside my Hotmail account actually came from an American company operating in China.

During construction of the first Chinese public accessed Web in 1996, Chinese authorities suddenly became interested in blocking forbidden Web sites and keyword searching—that is “looking into the packets.” Why? Well, because they are Marxists, and as my former colleague, Peter Lovelock, explained, that means you must embrace the means of communication, then control it.

Fill it with Chinese voices. Block the outside and block relationships between Chinese voices.

Blocking the outside was relatively easy. Three companies were competing for Chinese Net contracts in 1997: Bay Networks, Sun Microsystems, and Cisco Systems. Cisco prevailed by selling the authorities a firewall box at a significant discount, which would allow the Chinese authorities to block the forbidden Web.

Now, Cisco's general counsel denies selling any special configuration. Chinese engineers who actually worked on the firewall project are equally adamant that it was a custom made device. Either way, as early as 1998, any industry-wide restraints on the transfer of censorship technologies were already being weighed against Cisco's captured 80 percent of the Chinese router market, which is an unprecedented Chinese success story. Yet, Cisco's success may be more closely linked to a Cisco manager's statement that “we have the ability to look more deeply into the packets end.” And I will return to that point.

By 2000, Yahoo! began censoring its search engine and patrolling chat rooms to preserve its position as the top portal in China. According to Yahoo!'s former China manager, “It was a precautionary measure. The State Information Bureau was in charge of watching and making sure that we complied. The game is to make sure that they don't complain.”

Let's apply that statement to more recent events. When Microsoft began suppressing such words as democracy and human rights in Chinese blogger headings, and when Google rolled out a castrated Chinese version of its search engine, company representatives made the argument that they were merely respecting local laws.

Yet the laws are vague and contradictory at best, for example, the words “democracy” and “human rights” are enshrined in the Chinese constitution, so I think Yahoo!'s manager put it right the

first time, make sure that they don't complain. These were preemptive self-censoring policies when Yahoo! first employed them. They still are today. Thus, any assertion that the Chinese censorship issue is purely a government-to-government issue is premature until these companies dare to explicitly and systematically test the limits of Chinese laws. And until they perform that test, they should not be viewed as simply following Chinese law, but as working for Chinese Communist party objectives.

Chinese Internet history can be divided into two periods, before the crackdown and after the crackdown. From October 2000 until May 2001 the Chinese authorities unveiled new laws; installation of internal monitoring software in cyber cafes across the Web; Internet service providers were ordered to hold all Chinese user data for 60 days; proxy servers were hunted, blocked and killed; and a national police digital network, the Gold Shield, was constructed.

Now this crackdown period signaled that censorship objectives were actually secondary to surveillance, yet blocking relationships among Chinese forces and monitoring alternate sources of political power was far more technically demanding. For Western Internet companies, the crackdown should have signaled an end to cyber utopia and illusions. Instead, it signaled a new boom market for companies such as Nortel, Cisco and Sun Microsystems.

By 2003, Cisco's Policenet was deployed as the Internet backbone of the Chinese State security system. Two months ago, Harry Wu exhibited slides to this Committee, Cisco brochures from the Shanghai Gold Shield trade show in December 2002. And they demonstrate the depth of Cisco's involvement with Chinese state security. These brochures are irrefutable evidence, so I will only add 3 points.

Zhou Li, a systems engineer from Cisco's Shanghai branch, explained to me that the Cisco brochures did not give the full story. A policeman or PSB agent using Cisco equipment could now stop any citizen on the street and by simply scanning an ID card, remotely access his danwei: That is, his work unit files, political behavior, family history, fingerprints, and other images. The agent could also access his or her surfing history for the last 60 days and read his e-mail—all in real-time.

Newly-translated documents explicitly show that Cisco was training the Chinese police in surveillance techniques as early as 2001, and detailed information on more than 96 percent of the Chinese population is now recorded on police databases according to recent Chinese state media.

Now there was justifiable outrage when journalist Shi Tao received a 10-year sentence after Yahoo! surrendered his private e-mail to Chinese security, and there is more about another case today. But we really don't know how many Falun Gong practitioners, Christians, and small-time labor activists arrests that don't get publicized, can be attributed to Cisco's Policenet. And an integrated system like this does not appear in the court records. And if recent reports are given credence, a hospital basement near Shenyang was being filed with thousands of Falun Gong practitioners for organ harvesting while Cisco was training the Chinese police.

It is my view that the situation with Cisco has already attained IBM Holocaust status and it will only get worse, whether carried out by the enhancements to the Online Freedom Act or by the Commerce Department simply enforcing existing laws forbidding the sale of crime control or detection instruments to the Chinese police, Cisco should leave China.

I have no illusions they will leave without a fight. By Cisco's own admission, it has contracts with Chinese state security at a minimum to service equipment. Perhaps these contracts include training or upgrades as well. Yet the Israeli defense industry had an existing contract with the Peoples Liberation Army to perform major upgrades to the Harpy assault drone. Under United States pressure, Israel fought, but ultimately cancelled the contract.

Do we have the same political will when it comes to one of our own? Regarding Yahoo!, Microsoft and Google, as I said, I consider the Global Online Freedom Act to be a tragedy. We did not have to reach this point. Back in the winter of 2000, Microsoft fought the Chinese state and won. The issue was Chinese Government access to foreign source codes and control of foreign encryption. Microsoft built a coalition of the American Chamber of Commerce, the U.S.-China Business Council, the Japanese Chamber of Commerce and European entities. The United States and Japanese Embassies tacitly approved but avoided direct participation.

Most critically, Microsoft let it be known that if the Chinese Government did not back down it would pull out of China forever. Faced with this resolve, the Chinese Government quickly chose to reinterpret their laws, i.e., they surrendered. Now Microsoft doesn't brag about all this for obvious reasons. But I still carry that document of surrender, because it shows that business has power.

I will close by speaking about an implausible scenario. American Internet companies could form a new industry coalition, collectively ready to walk away. The Chinese authorities could agree at a minimum that words that are straight out of the Chinese constitution will never be censored by American companies.

And if the Chinese police want confidential customer information from an American company, they must provide compelling evidence that the individual in question is a child pornographer.

This is implausible, particularly from the American side but far more plausible if the only other option is the Online Freedom Act, routers based outside of China, regular audits, litigation in China and at home. So companies are currently asking, what is the probability of the Online Freedom Act becoming law and how can we stop it?

Yet the question that Microsoft, Google and Yahoo! should be focusing on is this, will the Chinese Communist Party still be in power 10 years from now? How about 20 years? And who is my primary customer base? The Chinese Communist Party or the Chinese people? Ultimately, it is in American company's self interest to do the implausible, to form a coalition, to use their latent power to avoid further tragedy. And I want to thank the Committee for helping to bring them closer to that decision. Thank you.

[The prepared statement of Mr. Gutmann follows:]

PREPARED STATEMENT OF MR. ETHAN GUTMANN, AUTHOR, "LOSING THE NEW CHINA:
A STORY OF AMERICAN COMMERCE, DESIRE AND BETRAYAL"

Mr. Chairman, thank you for inviting me to make a contribution to the Committee's profoundly important work.

Approximately two months ago, your Committee heard representatives of Google, Microsoft, Yahoo, and Cisco Systems defend their companies' role in constructing China's Internet. Simultaneously the Committee floated an extremely important draft—the Global Online Freedom Act of 2006—which appeared to place this committee and the aforementioned companies on a collision course. Some commentators, particularly those searching for a middle way, characterized the Online Freedom Act as an "overreaction." I don't agree. I believe that it is better characterized as a tragedy.

I would guess that few people in this room actually desire intrusive government intervention and oversight of U.S. companies. I certainly don't. I'm a former consultant to American corporations operating in China and a former vice-chair of the Government Relations Committee for the American Chamber of Commerce Beijing. I'm also a former believer in the concept that we would change China, not that China would change us.

But I now believe that the Internet Freedom Act may not be comprehensive enough, particularly in explicitly sanctioning Internet surveillance technologies. And I believe that the tragedy did not start with this committee but in the very early stages of American involvement in the Chinese Internet. It's the history of a collision course, not so much between Washington and American Internet companies, but between American corporate decisions and American values. We can study that history for insights into the current dilemma and potential solutions.

Two months ago, company representatives told the history of the stunning expansion of the Chinese Internet using impressive statistics—110 million users, over 13 million bloggers—and I don't dispute them. But lost in all these figures is the simple point that Chinese Internet freedom has actually been contracting since 1998, when I arrived in China.

Censorship was already present on the Chinese web, but dissident e-mails—spam or samizdat, depending on your perspective—flashed continuously on Chinese users' screens. Censorship didn't matter if you used proxy servers—that is, linking up to another computer that would act as an intermediary, hiding the Web footprints, evading the filters, and circumventing the government controls. The most common Chinese search words were not "Britney" and "hooters," but "free" and "proxy." About 40% of Chinese users employed proxies. A week after arriving, so did I.

A year later, working in my Beijing office, I received an e-mail from a US friend with the words "China," "unrest," "labor," and "Xinjiang" in strange half-tone brackets, as if the words had been picked out by a filter. I'd never really seen anything like it. What I didn't realize at the time is that the capability to search inside my Hotmail, primitive by the current standards, came from an American company operating in China.

During construction of the first Chinese public access web in '96, Chinese authorities suddenly became interested in blocking forbidden websites and in keyword searching—"looking into the packets."

Why? Because they are Marxists. And as my former colleague Peter Lovelock explained, that means that you must above all embrace the means of communication. Then, control it. Fill it with Chinese voices. Block the outside. And block relationships between Chinese forces.

Blocking the outside was relatively easy. Three companies were competing for the Chinanet contracts in 1997: Bay Networks, Sun Microsystems, and Cisco Systems. Cisco prevailed by selling the authorities a "firewall box" at a significant discount, which would allow the Chinese authorities to block the forbidden web.

Cisco's General Counsel denies selling any special configuration. Chinese engineers who actually worked on the firewall project are equally adamant that it was custom-made. Either way, as early as 1998, any industry-wide restraints on the transfer of censorship technologies were already being weighed against Cisco's capture of 80% of the China router market, an unprecedented success story. Yet Cisco's success may be more closely linked to a Cisco manager's statement that "We have the capability to look deeply into the packets." And I'll return to that point.

By 2000, Yahoo began censoring its search engine and patrolling chatrooms to preserve its position as the top portal in China. According to Yahoo's former China manager: "It was a precautionary measure. The State Information Bureau was in charge of watching and making sure that we complied. The game is to make sure that they don't complain."

Let's apply that statement to more recent events. When Microsoft began suppressing words such as "democracy" and "human rights" in Chinese blogger headings, and when Google rolled out a castrated Chinese version of its search engine, company representatives made the argument that they were merely respecting local laws. Yet the laws are vague and contradictory at best; for example, the words "democracy" and "human rights" are enshrined in the Chinese constitution.

Yahoo's manager put it right the first time: "make sure that they don't complain." These were preemptive, self-censoring policies when Yahoo first employed them. They still are today. Thus any assertion that Chinese censorship is purely a government-to-government issue is premature until these companies dare to—explicitly and systematically—test the limits of Chinese laws. And until they perform that test, they should not be viewed as simply following Chinese law, but as working for Chinese Communist Party objectives.

Chinese Internet history can be divided into two periods: "before the crackdown," and "after the crackdown." From October 2000 until May 2001, the Chinese authorities unveiled new laws:

- Installation of internal monitoring software in cybercafés and across the web.
- Internet Service Providers ordered to hold all Chinese user data for 60 days.
- Proxy servers hunted and blocked.
- Construction of a national police digital network—the "Gold Shield."

The crackdown period signaled that censorship objectives were actually secondary to surveillance. Yet blocking relationships among Chinese forces—and monitoring alternate sources of political power—was far more technically demanding. For Western Internet companies the crackdown should have signaled an end to cyber-utopian illusions. Instead it signaled a new boom market for companies such as Nortel, Cisco and Sun Microsystems.

By 2003, Cisco's "Policenet" was deployed as the Internet backbone of the Chinese State Security system. Two months ago, Harry Wu exhibited slides to this committee, Cisco brochures from the Shanghai "Gold Shield" trade show in December 2002, that demonstrate the depth of Cisco's involvement with Chinese State Security. These brochures are irrefutable evidence, so I will only add three points:

- Zhou Li, a systems engineer from Cisco's Shanghai Branch, explained to me that the Cisco brochures did not give the full story. A policeman or PSB agent using Cisco equipment could now stop any citizen on the street and simply by scanning an ID card remotely access his danwei (work unit files): political behavior, family history, fingerprints, and other images. The agent could also access his surfing history for the last 60 days, and read his e-mail. All in real-time.
- Newly translated documents explicitly show Cisco was training the Chinese police in surveillance techniques as early as 2001.
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There was justifiable outrage when journalist Shi Tao received a ten-year sentence, after Yahoo surrendered his private email to Chinese security. But we really don't know how many Falun Gong practitioners, Christians, and small-time labor activists—the humdrum arrests that don't get publicized—can be attributed to Cisco's Policenet. An integrated system doesn't appear in the court records. And if recent reports are given credence, a hospital basement near Shenyang was being filled with thousands of Falun Gong practitioners for organ harvesting while Cisco was training the Chinese police.

It is my view that the situation with Cisco has already attained IBM-Holocaust status, and it will only get worse. Whether carried out by enhancements to the Online Freedom Act, or by the Commerce Department simply enforcing existing laws forbidding the sale of "crime control or detection instruments" to the Chinese police, Cisco should leave China.

I have no illusions that they will leave without a fight. By Cisco's own admission, it has contracts with Chinese State Security, at a minimum, to service equipment. Perhaps these contracts include training or upgrades as well. Yet the Israeli defense industry had an existing contract with the PLA to perform major upgrades to the Harpy Assault Drone. Under U.S. pressure, Israel fought, but ultimately cancelled the contract. Do we have the same political will when it comes to one of our own?

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encryption. Microsoft built a coalition of the American Chamber of Commerce, the US-China Business Council, the Japanese Chamber, and European entities. The US and Japanese embassies tacitly approved but avoided direct participation.

Most critically, Microsoft let it be known that if the Chinese government did not back down it would pull out of China—forever. Faced with this resolve, the Chinese government quickly chose to reinterpret their laws, i.e., they surrendered. Microsoft doesn't brag about it for obvious reasons, but I still carry that document of surrender because it shows that business has power.

So I will close by speaking about an implausible scenario: American Internet companies could form a new industry coalition, collectively ready to walk away. The Chinese authorities could agree, at a minimum, that words straight out of the Chinese constitution will never be censored by American companies. And if the Chinese police want confidential customer information from an American company, they must provide compelling evidence that the individual in question is a child pornographer.

Implausible, particularly from the American side, but far more plausible if the only other option is the Online Freedom Act: routers based outside of China, regular audits, litigation in China and at home. So companies are currently asking: what is the probability of the Online Freedom Act becoming law?

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Thank you.

Mr. SMITH. Thank you, Mr. Gutmann, for your very incisive commentary.

Mrs. Kadeer.

STATEMENT OF MS. REBIYA KADEER, HUMAN RIGHTS ADVOCATE, FORMER POLITICAL PRISONER

Ms. KADEER [through an interpreter]. My name is Rebiya Kadeer, and I represent the group of people that has been suppressed by Communist China.

First of all, I would like to express my profound appreciation for this opportunity to share the daily grievances of my people with your excellency and the Members of the Congress.

In the interests of time, I am going to ask my interpreter to read the statement that I prepared and I would like this to be part of the record, if possible. Thank you.

Honorable Christopher Smith, ladies and gentlemen, I have testified and delivered statements to various congressional bodies in the 13 months since my release from 6 years in Chinese prison and I am truly moved by the American Government's continuing concerns for the suffering of the Uighur people.

I am a Uighur woman from Xinjiang Uighur autonomous region, which we call east Turkistan. I became a direct victim of political and economic persecution by the Chinese Government. I spent 6 years of my life in Chinese prison being subject to cruel punishment, tortures, starvation and physical and mental humiliation. While going through hardship during the 6 years I spent in prison, I witnessed the tragic fate of thousands of political prisoners, including Uighur women similar to my condition or even worse.

I saw many people, including woman dying in front of my eyes in the neighboring South because of beatings and starvation. I was in agony, not because of what I was going through, but because of

my inability to help, or even to cry, for those innocent people dying around me.

Ladies and gentlemen, I am now able to speak and let the voice of my people be heard in front of the U.S. Congress. This has been made possible because of the efforts of the U.S. Government and various human rights organizations.

It is a great opportunity for me and the 15 million Uighur people. However there are still many people who are going through conditions similar to, or even worse, than one that I went through during my prison life. Those innocent people are still suffering in Chinese prisons, are patiently waiting to be rescued and for their voices to be heard in the world.

As someone who grew up and lived under Chinese rule, the fact that I can still sit here and tell American leaders what is happening to my people is a cause of deep amazement to me.

All the people of east Turkistan want to gain their liberty and to live like a people of other free nations.

They want to be the members of the democratic world. But these aspirations are being ruthlessly suppressed by the Chinese Government. And this condition is worsening.

So to fulfill their hopes, the Uighur people need the help of free and democratic nations lead by the United States.

If I may, I would like to briefly describe my own family situation before I speak about the overall human rights situation in east Turkistan.

My family continues to be harassed by the Chinese police, and, in particular, my son.

I believe the Chinese authorities are punishing me by punishing him, trying to stop me from participating in activities such as this hearing here today. Most worryingly, they have advised my son to get a lawyer.

This means the Chinese authorities are going to formally charge my son with a crime, probably based on false allegations of financial irregularities surrounding my business. This is extremely bad news because Chinese courts have conviction rates over 99 percent. The less than 1 percent chance that his case will be dismissed is not helped by the fact that I, Rebiya Kadeer, am his mother.

These are the tactics used by the Chinese Government. I have long, long lists of examples of my son, friends, and other members of my family being harassed by the Chinese authorities in the months since my release—punished them for what I say here in America.

The tactics I use are to make most of living in a free democracy, coming here to speak to you today, and simply telling the truth about what is happening to my family and my people.

Honorable Members, all of my previous statements and testimonies outlining the Chinese Government's efforts to undermine and denigrate the Uighur ancient culture; marginalize to Uighurs in their homeland; and brutally suppress all forms of opposition protest are available on the record. And so rather than repeat what I have said or was stated before, if I may today, I would like to take this opportunity to present updated information—supporting previous statements on the state of Uighurs' human rights.

Much of this information was presented yesterday at the briefing sponsored by human rights caucuses, and so my apologies to anyone who was attending yesterday's hearing. I am sorry to say, and I am sure that—I am sure you will be sorry to hear that human rights situation that Uighurs are facing has not improved since my last statements were made.

In many respects, the situation continues to deteriorate.

The first issue I wish to bring to your attention is the Chinese Government's family planning policies.

In mid February, this year, a senior official, the Mayor of Urumchi—the capital of east Turkistan—declared that east Turkistan rural areas would be the focus of future family planning work. Generally speaking, east Turkistan rural population is almost exclusively Uighur, while the urban population is predominant Chinese. This tightening of the family planning regulations will, therefore, fall overwhelmingly on the Uighur people.

The official justification for this is reducing the number of birth in rural area by whatever means will reduce poverty and will also reduce the need for more resources to be spent on education, health and the like.

I testified at length to the Congressional Executive Commission on China on the topic of family planning regulations in my country. And as my statement remains on the record, I will spare you from hearing the horrific accounts of forced late term abortions, forced sterilizations, and the extreme physical psychological traumas inflicted on women resulting from these procedures.

Early last week, the Chinese Government announced that east Turkistan's population had exceeded 20 million people, having grown 9 percent over the 5 years, which is one of the highest rates in the whole of the People's Republic of China. However, this rapid growth in population is not because of the high number of birth, but because of the high number of ethnic Chinese encouraged to move to east Turkistan from China.

So the Uighurs are to be the focus of tightened family planning policies; but at the same time, the overall population is quickly rising because of the Government-sponsored migration policies.

If you are Uighur, you see your unborn children being killed so the government can shake up poverty and then impoverished Chinese migrants are encouraged to move to your home to make a better life for themselves. If you are Uighur and you hear that east Turkistan population is rising, you know that is more marginalization for the Uighurs, that is less social and economic opportunity for the Uighurs.

Don't forget that we cannot protest against this kind of injustice. If Uighurs protested against Chinese Government policies, especially one as sensitive as family planning regulations, they will be inviting serious trouble. I want to make it clear that Uighurs have nothing against the Chinese settlers personally. They are only trying to make a living. And they are often happy to leave difficult lives behind in their home regions to try to make a new life for themselves in east Turkistan. They are not told of the effects on the Uighurs by their moving to east Turkistan. And few Uighurs would dare to explain and so they cannot be blamed for Uighurs' problems.

A growing concern related to the number of people moving into east Turkistan, but not an obvious human rights concern, is whether the environment will be able to sustain these growing numbers of people. Water is becoming increasingly scarce and rapid desertification is resulting from Chinese industrial agricultural and urbanization, which exhausts the land and water—making east Turkistan uninhabitable.

Another serious issue, which has become prominent since I last testified in December, is that Uighurs are being sent back to China from neighboring countries—even people who have been granted refugee status by UNHCR—only to then be tortured and even execution.

In one case, we have learned that a man named Ismail Semed who was sent back to China from Pakistan in 2003, was sentenced to death in October of last year.

He was in Pakistan having fled east Turkistan and was deported to face accusations of planning terrorists attacks against Chinese targets there.

The only evidence against him is the testimony of other Uighurs, who were probably tortured into giving those testimonies. Two of those people whose testimony were used to sentence Mr. Semed to death were themselves executed in 1999. Ismail Semed may have already been executed, if his appeal has been heard. We don't know of this for certain, but we will certainly pass on further information when we know it.

Another case is of Mr. Huseyin Celil, a Uighur who has been held incommunicado in Tashkent, Uzbekistan, since March 2006 and who is facing deportation to China. Mr. Celil will almost certainly be executed if he is sent back to China, having been sentenced to death in absentia on charges relating to establishing a Uighur political party in east Turkistan.

Mr. Celil is now a Canadian citizen and we understand that the Canadian Government is working hard to secure his release in Tashkent and safe return to Canada.

Both of those cases, Mr. Semed and Mr. Celil, illustrate the enormous power China has over neighboring countries in the region. Despite having inadequate evidence against these men, and many others in the past, neighboring states hand these men over to the Chinese Government knowing that they are likely to be tortured and even executed.

Other countries known to have sent Uighur refugees back to Chinese authorities where they face torture and execution include Uzbekistan, Pakistan, Nepal, Kazakhstan and Kyrgystan.

Since 9/11, the Chinese Government has framed all the Uighur opposition to the Chinese policies and practice as terrorist threats; that is, the Chinese Government has taken the United States-led war on terrorism to further its national and political agendas.

Honorable Members, I believe that China's undue influence over its neighbors is ensuring the extradition of political opponents in an area where the United States could do a great deal to help. I believe that if the United States Congress could pass the Uighur Policy Act, or something which would allow for an appointment of a special coordinator for Uighur issues, there could be a significant

improvement in the human rights situation faced by the Uighur people.

I wish to conclude by saying once again, thank you for this important opportunity to place these concerns and suggestions before the Government of the United States of America.

It is for me a great opportunity, especially on the day before the Chinese President arrives to Washington, DC. Thank you.

[The prepared statement of Ms. Kadeer follows:]

PREPARED STATEMENT OF MS. REBIYA KADEER, HUMAN RIGHTS ADVOCATE, FORMER
POLITICAL PRISONER

Honorable Chairmen HENRY J. HYDE and Christopher H. Smith, ladies and gentlemen,

I would like to express my deepest gratitude for this opportunity to testify here today. I have testified and delivered statements to various Congressional bodies in the 13 months since my release from 6 years in a Chinese prison, and I am truly moved by the American government's continuing concern for the suffering of the Uyghur people.

As someone who grew up and lived under Chinese rule, the fact I can sit here today and tell America's leaders what is happening to my people, is the cause of deep amazement for me. And be assured also, it is the cause of deep pride for anyone—anywhere in the world—who loves democracy and human rights.

And needless to say—I'm sure you saw the reports the day after I last spoke here—the Chinese government hates me coming here!

If I may, I would like to briefly describe my own family's situation in East Turkistan before moving on to give an outline of the overall human rights situation there.

As most of you may be aware, my family continues to be harassed by the Chinese police—in particular my son. I am convinced that the Chinese authorities are punishing me by punishing him, trying to stop me from participating in activities such as this hearing here today.

Most worryingly of all, they have advised him to get a lawyer. This means, the Chinese authorities are going to formally charge my son with a crime—probably based on false allegations of financial irregularities surrounding my businesses in East Turkistan.

This is extremely bad news: Chinese courts have a conviction rate of over 99%! The less-than-1% chance his case will be dismissed is not helped the fact that I, Rebiya Kadeer, am his mother.

These are the tactics used by the Chinese government. I have a long, long list of examples of my son, my friends and other members of my family being harassed by the Chinese authorities in the short 13 months since my release, punishing them for what I say here in America.

The tactics I use, are to make the most of living in a free democracy—coming here to speak to you today, for example—and simply telling the truth about what is happening to my family and my people. And I have faith in the power of democracy and truth.

And so on to the general human rights situation in East Turkistan.

I do not want to take up your valuable time, honorable members, by repeating testimony and statements that I and others have already given to you and to other Congressional bodies on the human rights situation in East Turkistan. You have all proven that you have a mastery of the human rights situation in all of the PRC, as well as in East Turkistan.

All of my previous statements and testimonies outlining the Chinese government's efforts to first undermine and denigrate the Uyghur's ancient culture, to marginalize the Uyghurs in the own land, and to brutally suppress all forms of opposition or protest, are all available on the record.

I am sorry to say—and I'm sure you will be sorry to hear—that the human rights situation facing Uyghurs has not improved in any way since those statements were made, and in many respects, the situation continues to deteriorate.

And so rather than repeat what has been stated before, if I may, today I would like to take this opportunity to present updated information, supporting previous statements on the state of Uyghurs' human rights.

However, much of this information was presented in similar form yesterday to the Caucus, and so inevitably, there is going to be some repetition after all—my apologies to anyone who attended the hearing yesterday.

The first issue I wish to bring to your attention is the Chinese government's family planning policies. A senior official—the Mayor of Urumchi—declared in mid-February this year that East Turkistan's rural areas would be the “focus” of future “family planning work”.

Generally speaking, East Turkistan's rural population is almost exclusively Uyghur, while the urban population is predominantly Chinese. This tightening of the family planning regulations will therefore fall overwhelmingly on the Uyghur people.

The official justification for this is that reducing the number of births in rural areas—by whatever means—will reduce poverty, and will also reduce the need for more resources to be spent on education, health and the like.

I testified to the Congressional-Executive Commission on China solely on the topic of family planning regulations in East Turkistan, and my statement remains on the record so thankfully, I can today spare you from hearing the horrific accounts of forced, late-term abortions; of forced sterilizations; and the extreme physical and psychological traumas inflicted on women as a result of these procedures.

The sheer injustice of making Uyghurs the “focus” of family planning work in East Turkistan is highlighted by the next concern I want to bring to your attention.

And that is, the rapid growth in East Turkistan's population, which is not, I hasten to add, because of the high number of births, but because of the high number of people encouraged to move to East Turkistan from China.

Early last week, the Chinese government announced that East Turkistan's population had exceeded 20 million people, having grown 9% over the past five years—which is one of the highest rates in the whole of the PRC.

I'll quickly return to my first point: the Uyghurs are to be the “focus” of tightening family planning policies; but at the same time, the overall population is rising fast because the government is encouraging so many Chinese migrants to settle in East Turkistan.

Some people might say that this is an over-simplification. But if you are a Uyghur, this is very simple. Uyghurs see their unborn children being butchered so they can “shake off poverty”, and then watch as impoverished Chinese migrants are encouraged to move to East Turkistan to make better lives for themselves.

Don't forget either, we cannot protest against this kind of injustice. If Uyghurs protest against Chinese government policies, especially ones as sensitive as family planning regulations, they would be in serious trouble, as I'm sure you can imagine.

And the question of ever-greater numbers of people moving to East Turkistan is a crucial one for the Uyghur people. When a Uyghur hears that East Turkistan's population is rising, they know: “that's more marginalization for the Uyghurs; that's less opportunity—social and economic—for the Uyghurs; that's less time for the Uyghur people to survive in East Turkistan.”

I should say at this point, Uyghurs have nothing against the Chinese settlers personally: they are only trying to make a living, and they're often happy to leave difficult lives behind in China and try to make a new life for themselves in East Turkistan.

They are not told of the effects on Uyghurs of their moving to East Turkistan—and few Uyghurs would dare to explain—and so they cannot be—and are not—blamed for Uyghurs' problems.

A growing concern related to the number of people moving into East Turkistan—but not necessarily an obvious human rights concern—is whether the environment will be able to sustain these growing numbers of people. Water is becoming increasingly scarce, and rapid desertification—a result of Chinese industry, agriculture and urbanization exhausting the land and water—is making parts of East Turkistan uninhabitable.

And then finally, another serious issue, which has again become prominent since I last testified before you in December, is the question of Uyghurs being sent back to the PRC from second countries—even people who have been granted refugee status by UNHCR—where they then face torture and even execution.

Two ongoing cases have thrown this problem into sharp focus.

In one case, we heard that a man, Ismail Samed, who was sent back to the PRC from Pakistan in 2003, was sentenced to death in October last year.

He was in Pakistan having fled East Turkistan, and was deported to face accusations of planning terrorist attacks against Chinese targets in East Turkistan.

The only evidence against him is the testimony of other people, Uyghurs, who in all probability were tortured into giving those testimonies—two of the people whose testimonies were used to sentence Mr Samed to death, were themselves executed in 1999.

Ismail Samed may already have been executed, if his appeal has been heard. We don't know for certain yet, but we will certainly pass on further information when it becomes available.

The other case is that of Huseyin Celil, a Uyghur who has been held in incommunicado detention in Tashkent, Uzbekistan since March 26, and who could be sent back to the PRC at any moment. Mr Celil will almost certainly be executed if he is sent back, having been sentenced to death in absentia on charges relating to establishing a Uyghur political party in East Turkistan.

Mr Celil is now a Canadian citizen, and we understand that the Canadian government is working hard to secure his release in Tashkent, and his return to Canada.

Both of these cases—Mr Samed and Mr Celil—illustrate the enormous power China has over neighboring countries in the region. Despite having obviously inadequate evidence against these men—and many others in the past—these neighboring states hand these men over to the Chinese government, apparently unconcerned that they are likely to be tortured and even executed.

Even being a naturalized Canadian citizen in the case of Mr Celil is no guarantee of protection from the Uzbeki authorities when the Chinese government attempts to interfere.

Other countries known to have sent Uyghur refugees back to the Chinese authorities where they face torture and even execution, including Uzbekistan and Pakistan, are Nepal, Kazakhstan and Kyrgyzstan.

And it is not just neighboring countries who are intimidated into following Beijing's wishes to the letter with regard to Uyghurs: I myself was recently refused a visa to attend the World Movement for Democracy in Istanbul, Turkey, organized by the National Endowment for Democracy.

There was a clear message from the Turkish government that they feared if they issued me with a visa, there would be some form of retaliation from the Chinese government.

I hope the irony is not lost: I was refused a visa, to a democratic country, to attend a conference about democracy, on the basis of arbitrary threats by China.

Honorable members of the Caucus, if I may be so bold, I sincerely believe that the question of China's undue influence over its neighbors in ensuring the extradition of political opponents, is an area where the United States of America could do a great deal to help—a great deal to persuade China's neighbors to offer better protection to Uyghur refugees within their borders.

Since 9/11, the Chinese government has cynically manipulated any Uyghur opposition to Chinese policies and practice, to present it as a "terrorist threat"; that is, the Chinese government is taking the US-led "war on terror" to further its own national and political agendas.

I and the Uyghur people all over the world are convinced that if the US Congress could pass a Uyghur Policy Act—or some such—which would allow for the appointment of a Special Coordinator for Uyghur Issues, there would be an immediate and significant improvement in the human rights situation faced by the Uyghur people.

I have already taken up a great deal of your valuable time, so let me conclude by saying once again thank you for this important opportunity to place these concerns and suggestions before the government of the United States of America—a great opportunity indeed on the day before the Chinese President arrives in Washington, DC.

Thank you so much.

Mr. SMITH. Ms. Kadeer, thank you so very much for your bravery, and we wanted you here precisely because of the visit with President Hu so that you could bear witness to the truth that you and your associate have spoken so eloquently.

Mr. Kung.

STATEMENT OF MR. JOSEPH KUNG, DIRECTOR, CARDINAL KUNG FOUNDATION

Mr. KUNG. Honorable Mr. Congressman and distinguished Congresslady. The Chinese Government has repeatedly declared to the world that there is religious freedom in China. They also declared that this freedom is guaranteed by its constitution. However, all of the approximately 45 underground bishops in China are either arrested and now in jail, or under house arrest, or under strict

surveillance, or in hiding, or on the run, or simply have disappeared.

One Bishop, Bishop Gao Kexiam, Bishop of Yantai in Shandong, was arrested in October 1999. We did not know where he was until he died in jail in January 2005. His cause of death was unknown and is still unknown.

We know for sure that eight bishops are now in jail. They are all in their 70s and 80s. Three of them have disappeared. They are Bishop Su Zhimin of Baoding, Bishop An Shuxin also of Baoding, and Bishop Han Dingxiang of Yong Nian, all from Hebei. Out of these three bishops, Bishop An and Bishop Su have disappeared for more than 8 years. Bishop Han has just disappeared several months ago after being detained approximately 5 years. We do not know whether they are dead or alive. One of these eight bishops, Bishop Jia, who takes care of more than 100 handicap orphans, most of them are girls, has been arrested at least eight times since January 2004. The last time he was arrested was November 8, 2005.

Among all the bishops arrested, the most important and most famous bishop is Bishop Su Zhimin. He was arrested and jailed on October 8, 1997. On or around November 15, 2003, Bishop Su was taken to a hospital in Baoding, Hebei for an eye operation and for heart disease. He was heavily guarded by approximately 20 Government security personnel. Bishop Su was immediately moved to another secret location when the authority realized that Bishop Su had been seen.

Bishop Su has spent approximately 30 years in prison, thus far. He was once beaten so savagely in prison that he suffered extensive hearing loss.

Priests, seminarians, nuns, and lay persons face similar harassment. We know for sure that there are approximately 25 of them in jail or in labor camps. This list is by no means complete, because of the difficulties in obtaining details. Many cases are simply not reported here. My educated guess is that there must be hundreds in jail.

Details of the above arrests and many more are described in my prepared statements, which are available on the table.

The Chinese Government has been trying to force the underground faithful to join and register with the Official Patriotic Church since 1957 without much success. Now they are doing it with a new vigor. Those who refuse to join and register with the official Patriotic Church are now liable to be put in labor camp for 3 years. So, it is now also a crime punishable by 3 years in labor camp when a person is ordained as an underground Roman Catholic priest and conducts evangelization without permission from the Chinese Government.

The persecution of Roman Catholics in China is obviously not ancient history. The persecution continues and gets worse and bolder at a time when China is making significant economic progress, when China has joined the World Trade Organization, and when China will host the Olympic games in 2008.

In view of the above, on September 1st, 2005, I wrote a letter to President Hu Jintao of People's Republic of China. I appealed to President Hu, "to bring modern China into an era of true religious

freedom.” I reasoned with him that “a country without religious freedom is never peaceful and never constructive.” And I challenged him to realize “the importance of changing the world’s perception of China’s human rights policy for the better.”

I also not only appealed to President Hu that “all these [religious] prisoners, both living and dead, be officially and posthumously exonerated of so-called crimes, some as long as 5 decades ago,” but also appealed to him “to release all current religious prisoners from prison and labor camp. . . .” I concluded that “to do so will be a powerful testimony to the Chinese Government’s respect for and adherence to human rights and liberty. To do so, will also prove that China is honoring the spirit of the Olympic Games that [she] will have the honor of hosting in 2008.”

Unfortunately, President Hu has never replied to our appeals and instead, the arrests of religious believers continue. I respectfully request that, hopefully through the influence of this hearing, President Hu’s attention be directed to our appeals and that he give an order to his government to rectify the situation. He has the power and authority to do so. Otherwise, it is my hope that the Olympic Committee would take note of these arrests and decide whether or not China’s continuous persecutions of innocent religious believers is in conformity with the spirit of the Olympic Games. We also hope that the Olympic Committee would use its influences to convince China to change its human rights for the better.

Should we support a country by purchasing its goods and services when such a country has no regard for the human rights principles held so dear to our Founding Fathers and held so dear to us? Should we support a country that is increasing its military budget with very suspicious motives? Very often, the low price tag associated with “made in China” was achieved on the blood and the backs of many religious prisoners in the labor camps. We need to examine carefully the labels when we make a purchase. The small savings you received from buying something made in China actually indirectly strengthen a government that persecutes its own citizens.

This is my summary of views. Because of time constrain, I cannot say everything here. I have another document for my prepared statements that I request to be included in the hearing record in its entirety.

Mr. SMITH. Without objection, so ordered. In fact, all of your prepared statements and any documents or other information you want to include will be made a part of the record.

Mr. KUNG. Thank you.

[The prepared statement of Mr. Kung follows:]

TESTIMONY OF JOSEPH KUNG, PRESIDENT
THE CARDINAL KUNG FOUNDATION

BEFORE
THE COMMITTEE ON INTERNATIONAL RELATIONS
U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON AFRICA, GLOBAL HUMAN RIGHTS
AND
INTERNATIONAL OPERATIONS

“The Persecution of the Underground Roman Catholic Church and Comments”
April 19, 2006

Prepared Statements

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Mr. Congressman and Ms. Congresslady:

This testimony is limited to the underground Roman Catholic Church in China.

The promise of religious freedom in China by the Chinese government is a false one. Since 1949 when the communists took over China, the Chinese government has not stopped persecuting members of China's spiritual communities such as Roman Catholics, Protestants, Evangelical Christians, Tibetan Buddhists, Uighur Muslims, Falun Gong movements, and other spiritual communities.

The Chinese Government views religion as a threat to its power. Accordingly, it restricts religious activities to government-sanctioned organizations and registered places of worship. It seeks to stamp out those religious activities that are not government-sanctioned. Those religious groups that defy the control of the government face severe consequences: mass campaigns, surprise raids, imposition of heavy fines, imprisonment, and torture.

China therefore has two churches that call themselves Catholic.

One Church was established by atheist Chinese communists 49 years ago in 1957. The Chinese government established this Church because it failed to destroy the Roman Catholic Church after 7 years of severe persecution immediately after the communists took over China in 1949. The objective of the Chinese communists in creating this church was to replace the Roman Catholic Church in China with a puppet church that is entirely controlled by the government. It is under the protection of the Chinese communist government, and has not been persecuted. It is independent from the Pope. Contrary to the Roman Catholic Church's Canon Law, this Church has elected many of its own bishops without prior approval of the Pope. This is the official Church, otherwise known as the Patriotic Association. In his speech on December 3, 1996, the late Pope John Paul II apparently referred to the Patriotic Association as "A Church which does not respond either to the will of the Lord Jesus, or to the Catholic faith."

The other Church was founded by Christ approximately 2000 years ago. It is in full communion with the Pope in the Vatican, but not registered with the Chinese government. This is the underground Roman Catholic Church which is illegal in China. It has been persecuted by the Chinese government for the last 57 years since 1949. In the same speech on December 3, 1996, the late Pope John Paul II proudly proclaimed this underground Church as "a precious jewel of the Catholic Church."

The Chinese government has repeatedly declared to the world that there is religious freedom in China. They also declared that this freedom is guaranteed by its constitution. However, all of the approximately 45 underground bishops in China are either arrested and now in jail, or under house arrest, or under strict surveillance, or in hiding, or on the run, or simply have disappeared.

One bishop, Bishop Gao Kexian 高可賢, Bishop of Yantai 煙台, Shandong 山東, was arrested in October 1999. We did not know where he was until he died in jail in January 2005. His cause of death was unknown and is still unknown.

We know for sure that eight bishops are now in jail. They are Bishops 1) AN Shuxin 安樹新 of Baoding 保定, Hebei 河北, 2) HAN Dingxiang 韓鼎祥 of Yongnian 永年, Hebei, 3) JIA Zhiguo 賈治國 of Zhengding 正定, Hebei, 4) LIN Xili 林錫黎 of Wenzhou 溫州, Zhejiang 浙江, 5) SHI Enxiang 師恩祥 of Yixian 易縣, Hebei, 6) SU Zhimin 蘇志民 of Baoding, Hebei, 7) YAO Liang 姚良 of

Xiwanzi 西灣子, Hebei, and 8) ZHAO Zhendong 趙振東 of Xuanhua 宣化, Hebei. They are all in their 70's or 80's. Three of them have disappeared. (AN, HAN, and SU). Out of these three, two (AN and SU) have disappeared for more than 8 years and one (HAN) has just disappeared several months ago after being detained approximately 5 years. We do not know whether they are dead or alive. One (JIA) of these eight bishops has been arrested at least 8 times since January 2004. The last time he was arrested was November 8, 2005.

Among all the bishops arrested, the most important and famous bishop is Bishop Su Zhimin. The most recent news report on Bishop Su is as follows.

November 19, 2003: Underground Bishop of the Roman Catholic Church in China “lost” for More Than 6 Years Found Very Ill in Government Detention.

Bishop SU Zhimin 蘇志民主教, the underground Roman Catholic Bishop of Baoding 保定, Hebei 河北 in China, was arrested and jailed on October 8, 1997, and had not been heard from or seen ever since. Inquiries to the Chinese Government from various U.S. government and non-government agencies about Bishop Su's whereabouts and his well being were never answered satisfactorily. For six years since October 8, 1997, we as well as many other concerned organizations could not be certain if Bishop Su was still alive.

The Cardinal Kung Foundation 龔樞機基金會 has just received information that on or around November 15, 2003, Bishop Su Zhimin was taken to the Officers' Ward of the Baoding Central Hospital in Baoding, Hebei for an eye operation and for heart ailments. He was heavily guarded by approximately twenty plain-clothes government security personnel, including Mr. JIA Ruiqi 賈瑞琪, who is a high ranking officer of the public security bureau of Baoding. It was reported that the name of SU Zhimin is not officially registered in the hospital record.

Bishop Su is a prominent leader of the underground Roman Catholic Church in China and is probably the only underground bishop who has met a US Congressman. He met privately with Congressman Christopher Smith (NJ) in January 1994 during Congressman's official visit to China. Immediately after the departure of Congressman Smith from China, Bishop Su was arrested and detained for 9 days.

Bishop Su has been arrested at least 5 times and spent approximately 27 years in prison thus far. He was once beaten so savagely in prison that he suffered extensive hearing loss. He escaped from police detention in April 1996 and remained in hiding until October 1997. While in hiding, he wrote to the Standing Committee of the People's National Congress requesting it “to thoroughly investigate the serious unlawful encroachment on the citizen's rights, and to administer corrective measures to restore order and control to ensure that the civil rights and interests of the vast number of religious believers are protected.” He was rearrested in October 1997.

Priests, seminarians, nuns and laypersons face similar harassment. We know for sure that there are approximately 25 of them in jail or in labor camps. This list is by no means complete, because of the difficulties in obtaining details. Many cases are not reported here. My educated guess is that there are hundreds in jail.

The following arrests of religious were made by China's Security Bureau as reported by the Cardinal Kung Foundation within the last 12 months:

1) February 23, 2006: Two Underground Roman Catholic Priests Arrested in Hebei.

Father LU Genjun 鹿根君, 44 years old, and Father GUO Yanli 郭彦利, 39 years old, who belong to the diocese of Baoding 保定 in Hebei 河北, were arrested on February 17 while waiting for a friend at the Baoding train station. Father GUO was sent to Xushui County 徐水縣 detention center while Father Lu was sent to an undisclosed location. We do not know why they were arrested and have no other information on their arrests.

Father Lu was previously arrested on Palm Sunday, April 5, 1998 for a short period and was arrested again shortly before Easter in 2001 and detained for three years in the Gao Yang County 高陽縣 labor camp in Hebei. Shortly after his release from the labor camp, he was arrested again on May 14, 2004 for an unknown period. He was ordained a Roman Catholic priest in 1990.

2) January 4, 2006: An Underground Roman Catholic Priest Arrested in Hebei. Another Underground Bishop Has Disappeared.

Father Wang Wenzhi 王文芝, fifty years old, a priest in the diocese of Yongnian 永年 in Hebei, was arrested by Chinese security officials after he finished offering his Mass in a family's private home on December 11, 2005 in Fengfeng City 峰峰市, which is located southwest of the City of Handan 邯鄲市, Hebei. He has been kept in the detention center of Guangping county 廣平縣 ever since. We understand that the Chinese government is attempting to brain-wash and force Father Wang to cooperate with the government in order to join the official communist-established Patriotic Church. We have been informed that the government has not been successful in its attempt to convert Father Wang to their official Church.

In the meantime, Bishop Han Dingxiang 韓鼎祥主教 of Yongnian has disappeared. He had been arrested by the Chinese government more than six years ago in December 1999. Since then he was kept in a government-run hostel somewhere in the diocese of Yongnian and, up until now, people were sometimes able to get a glimpse of him at his window. But, no longer: he has been transferred to an unknown location and we have no news of him. His health has been poor.

3) November 28, 2005: Six Underground Roman Catholic Priests Arrested.

Six underground Roman Catholic priests, all belonging to Bishop Jia Zhiguo's (賈志國) Diocese of Zheng Ding (正定) in Hebei (河北) Province, were arrested ten days ago on November 18. Father Wang Jin Shan (王進山) and Father Gao Lingshen (高嶺深), both in their 50s, were not only arrested, but were also severely beaten. Father Gao Lingshen bled profusely from his mouth. In addition, Father Guo Zhijun (郭志軍), 36 years of age, Father Zhang Xiuchi (張秀池), 60 years of age, Father Peng Jianjun (彭建軍), 30 years of age, and Father Zhang Yinhu (張銀虎), 45 years of age, were first ordered to be under house arrest on the same day, but were later officially arrested and were detained in the Gaocheng (高城縣) security bureau. No other details are available.

4) November 17, 2005: An Underground Roman Catholic Priest and Ten Seminarians Arrested.

A Roman Catholic underground priest, Father Yang Jianwei 楊建偉, and ten seminarians were arrested in the afternoon Beijing time November 12, 2005. Six seminarians are from outside of the Baoding 保定, Hebei 河北 area. The other four are from Baoding. The arrest took place in a nearby village of Xushui City 徐水縣城 in Hebei by approximately 20 government security officers. We do not know why they were arrested. Many religious books and RMB 7,000 were taken away by police. After being detained for three days, those six seminarians who are from outside of Baoding were released and were sent back to their home towns instead of being sent back to their seminary. The other four seminarians from Baoding are still kept in police custody, and their whereabouts are unknown. They are FAN Fubin 范富彬, WANG Yongliang 王永亮, WANG Chunlei 王春雷 and LI Yutao 李玉濤. Father Yang, who is 33 years of age, is still kept in police custody and his whereabouts are also unknown. Father Yang was ordained an underground priest in 2000 and was born in Shakou Village 沙口村 of Xushui City. Shakou Village has an underground Roman Catholic population of approximately 1,000 people.

5) November 9, 2005: Underground Roman Catholic Bishop Jia Zhi Guo Arrested Again in China. Two Other Underground Priests of the Same Diocese Also Arrested.

Bishop Jia Zhi Guo 賈志國主教, the underground Roman Catholic Bishop of the Diocese of Zheng Ding 正定 in Hebei Province 河北省, was arrested again by Chinese government security officials at his house at approximately 8:00 am Beijing time yesterday November 8, 2005. The officials, having ordered the bishop to bring his clothing, drove the bishop to Jinzhou City 晉州市 where several other security officials were waiting in order to drive the bishop to Shijiazhuang City 石家莊市. The security personnel told the public that the bishop was taken away for a "study session." We have no idea how long Bishop Jia will be taken away.

One day before the bishop's arrest, Father Li Suchuan 李素川神父, 40 years of age, and Father YANG Ermeng 楊二孟神父, 35 years of age, both of whom belong to Bishop Jia's Zheng Ding Diocese, were taken away by the security personnel separately on November 7 from their parishes in Zhoujiazhuang Village 周家莊 and Zhoutou Village 周頭村, both of Dingzhou City 定州市, respectively. We understand that they were taken to the Security Bureau of Jinzhou City 晉州市. They still have not returned home at the time of this writing.

Bishop Jia is 70 years old and was ordained a bishop in 1980. He was previously in jail for approximately 20 years and has been under strict surveillance for many years. He takes care of approximately 100 handicapped orphans in his house. This is the eighth time we are aware that Bishop Jia was arrested since January 2004.

6) September 4, 2005: Under Roman Catholic Priest and a Recently Graduated Seminarian arrested in China.

Underground Roman Catholic priest Father PANG Yongxing 龐永興 and a recently graduated underground seminarian Mr. MA Yongjiang 馬永強 were arrested at approximately 3 PM on Friday, September 2, 2005, by the Security Bureau of Qing Yuan Xian (county) 清苑縣, Hebei. Seven or eight police vans were mobilized for this arrest.

The 32 year old priest, Father PANG, was born in Pang Qu Village 龐家庄 of Qing Yuan County 清苑縣, Hebei. The Cardinal Kung Foundation reported on July 26, 2002 about Fr. PANG's last arrest in 2001 when he was sent to a labor camp for three years. Since his release one year ago, he has been working in an underground church in Qing Yuan County which has approximately 800 underground Catholics.

Mr. MA recently graduated from an underground seminary and has been assisting in Father Pang's parish.

7) July 28, 2005: Underground Roman Catholic Priest and His Parishioners Beaten and Arrested in China.

Father LIN Daixian 林代先, an underground Roman Catholic priest belonging to the Pingtan 平潭 parish of the Fuzhou 福州 diocese in Fujian 福建, a seminarian and 9 parishioners were arrested by Chinese security personnel on July 25 at approximately 8 o'clock in the evening (Fujian time). The arrest was carried out during the celebration of a private Holy Mass in a private home in Pingtan, attended by approximately 50 faithful praying for the recovery of a cancer parishioner. In arresting Father LIN Daixian, the security police beat savagely the parishioners who tried in vain to prevent the arrest of Father LIN. In the process, many parishioners were beaten and suffered severe injuries, including broken bones and teeth, brain injuries causing severe swelling, fainting, and many other kinds of injuries. The private house where the arrests took place was totally ransacked and severely damaged. Father LIN, the seminarian, and nine parishioners are now detained in the Pingtan detention center.

Father LIN Daixian was arrested three times previously. The first time was on October 18, 2000 in connection with the canonization of 120 martyr saints on October 1, 2000 by the late Pope John Paul II. The second time was on August 15, 2001, and the third time was on November 22, 2001. This is his fourth arrest by the Chinese government for his religious beliefs. He is 40 years old and was ordained a Catholic priest in 1995.

We do not know the name of the seminarian and the nine parishioners who were arrested with the priest.

8) July 4, 2005: Underground Roman Catholic Bishop Arrested Again in China.

Bishop Jia ZhiGuo 賈治國, the underground Roman Catholic bishop of the Diocese of Zheng Ding 正定 in Hebei Province, was arrested again by two government officials at his house at approximately 3:30 pm Beijing time today July 4, 2005 and was driven away to an unknown location. The government officials telephoned Bishop Jia in advance, notifying him that he was being picked up and ordering the bishop that he was to tell the people that he was being taken away by the government officials to visit a physician. Bishop Jia is not sick at present and there is no need for him to visit a physician. We have no idea how long Bishop Jia will be taken away.

Bishop Jia is 70 years old and was ordained a bishop in 1980. He was previously in jail for approximately 20 years and has been under strict surveillance for many years. He takes care of approximately 100 handicapped orphans in his house. This is the sixth time that Bishop Jia was arrested since January 2004. The first arrest was April 5, 2004. A car with four government security policemen suddenly appeared at the bishop's residence and took him away without explanation. The second arrest was September 9, 2004 when Bishop Jia was forced by two security personnel to take a tour for three days to Wentang 文瀾 Township in Pingshan 平山 County. Adding insult to injury, they forced the bishop to pay for the hotel and meal expenses, including for those government officials who watched over him. The third arrest was September 30, 2004 when Bishop Jia was forcibly taken away by security personnel of Shijiazhuang 石家莊 district. The arrests on December 14, 2004 and January 5, 2005 were Bishop Jia's fourth and fifth arrests.

9) April 27, 2005: Arrest of Seven Underground Roman Catholic Priests in China.

Seven priests belonging to the Diocese of Zhengding 正定, Hebei 河北 were arrested at 5:30 pm April 27 Beijing time in Wuqiu Village 武邱村 of Jinzhou city 晉州市. These seven priests had traveled from their parishes for a religious retreat conducted by Bishop Jia Zhiguo who had just been released from 24-hour surveillance during the period of approximately March 30 to April 25 when Pope John Paul II was dying and when the new Pope Benedict XVI was elected. The mass arrest of priests was made by the Security Bureau of Shijiazhuang 石家莊, officers of the religious bureau, and dozens of police riding in nine police cars. Bishop Jia was warned by the Public Security and religious bureaus not to initiate any religious activities. The seven priests were sent to the Security Bureau of their respective parishes as stated below.

The arrested priests are: (All ages are approximated) Fathers WANG Dingshan 王進山 (50), LI Qiang 李強 (31), and LIU Wenyan 劉文元 (35) from Gaocheng 高城縣. Father Zhang Qingcai 張慶才 (45) from Wuji 無極縣 County. Father LI Suchuan 李素川 (40) from Zhaoxian 趙縣. Father PEI Zhenping 裴正平 (43) from Luancheng 柳城. Father Yin Zhengsong 尹正松 (32) from Dingzhou 定州.

10) April 3, 2005: Arrest of An Underground Roman Catholic Bishop and a Priest.

Bishop YAO Liang 姚良, the auxiliary bishop of the diocese of Xiwanzi 西灣子 in Hebei, was arrested on March 31, 2005. He is in his early eighties. Before his arrest Bishop YAO had been under mounting pressure from the Chinese authority to sever ties with the Pope and join the official Catholic Church (the Patriotic Association). However, the bishop refused to do so. The faithful in Xiwanzi diocese believe that his refusal to join the official Church could be the reason for his arrest. We do not know where he is being held. There are no further details.

Father WANG Jinling 王進齡 of Zhangjiakou 張家口, also in his early eighties, was arrested on April 1, 2005. We do not know why he was arrested, nor do we know where he is being held.

In addition, the Chinese authority is intensifying surveillance of the underground bishops. Bishop HAO Jingli 郝進禮, 89, the bishop of Xiwanzi, and Bishop Jia ZhiGuo 賈志國, 71, bishop of Zhengding 正定, both from Hebei, are now under 24-hour surveillance by the Chinese security bureau. We do not know the reasons for this intensified surveillance.

All these imprisonments and disappearances, especially those of Bishop Su, Bishop An, Bishop Han, and Bishop Jia, not only violate Chinese own law, but also violate the generally accepted international standard of human rights and international laws.

The Chinese government has been trying to force the underground faithful to join and register with the official Patriotic Church since 1957 without much success. Now they are doing it with a new vigor. Those who refuse to join and register with the Patriotic Official Church are now liable to be put in labor camp for 3 years.

So, it is now also a crime punishable by three years in labor camp when a person is ordained as an underground Roman Catholic priest and conducts evangelization without permission from the Chinese government.

Persecution takes place not only in the form of imprisonment and torture, but also in the form of harassment. For instance, Bishop Fan Zhongliang, the underground Bishop of Shanghai and also the successor of Cardinal Kung, planned a thanksgiving Mass on December 15, 2005 for his 90th birthday and 20th anniversary of his ordination as a bishop. Approximately 60 underground faithful planned to attend the Mass in his tiny apartment. Mind you there is no open church in Shanghai for the underground church. But two days before the thanksgiving Mass, the public security bureau in Shanghai notified the Bishop that such a thanksgiving Mass is not allowed to celebrate and forced the cancellation of this celebration. To make sure that this thanksgiving Mass was cancelled and that there was no gathering, two policemen were dispatched to watch over Bishop Fan's apartment to make sure that this gathering did not take place. It did not. This is just an example.

Regardless of the persecution described above during the last 57 years, the population of the Roman Catholic Church in China exploded from approximately 3 million in the early 1950's to approximately 12 million now.

The persecution of Roman Catholics in China is obviously not ancient history. The persecution continues and gets worse and bolder at a time when China is making significant economic progress, at a time when China has joined the World Trade Organization, and at a time when China has become an important member of the international community. The persecution also continues and gets worse and bolder at a time when the Chinese government will host the Olympic Games in 2008. The spirit of the Olympic Games is being downgraded by their coexistence with the evil spirit of religious persecutions in China. The noble name of "Olympic" is being severely tarnished by its association with religious persecutions and human rights violations in China.

In view of the above, on September 1, 2005, I wrote a letter to President Hu Jintao of People's Republic of China, appealing to him *"to bring modern China into an era of true religious freedom,"* reasoning with him that *"a country without religious freedom is never peaceful and constructive"* and challenging him to realize *"the importance of changing the world's perception of China's human rights policy for the better."* We also not only appealed to President Hu that *"all these (religious) prisoners, both living and dead, be officially and posthumously exonerated of so called crimes, some as long as five decades ago,"* but also appealed to him *"to release all current religious prisoners from prison and labor camp..."* We concluded that *"to do so will be a powerful testimony to the Chinese government's respect for and adherence to human rights and liberty. To do so will also prove that China is honoring the spirit of the Olympic Games that (she) will have the honor of hosting in 2008."* (<http://www.cardinalkungfoundation.org/articles/petition2.htm>)

Attached is a copy of our letter to President Hu on September 1, 2005.

Unfortunately, President Hu has never replied to our appeals, and instead, the arrests of religious believers continue. I respectfully request that, hopefully through the influence of this hearing, President Hu's attention be directed to our appeals and that he give an order to his government to rectify the situation. He has the power and authority to do so. Otherwise, the Olympic Committee should take note of these arrests and decide whether or not China's continuous persecutions of

innocent religious believers is in conformity with the spirit of the Olympic games. We also hope that the Olympic Committee would use its influences to convince China to change its human rights for the better.

Should we support a country by purchasing its goods and services when such a country has no regard for the human rights principles held so dear to our founding fathers, and held so dear to us, to our children and family? Should we support a country that is increasing its military budget with very suspicious motives? Very often, the low price tag associated with "Made in China" was achieved on the blood and backs of many religious prisoners in the labor camps. The communist Chinese government obviously does not share our principles and values of human rights, but we must let China know that religious persecutions in China will hurt them, at least financially. We need to examine carefully the labels when we make a purchase. The small savings you received from buying something made in China actually indirectly strengthens a government who persecutes its own citizens.

Joseph Kung

September 1, 2005

President Hu Jintao
People's Republic of China
c/o Ambassador Yang Jiechi
Embassy of the People's Republic of China
2300 Connecticut Avenue, NW
Washington, DC 20008

Dear President Hu:

**Petition to release all the imprisoned Roman Catholic religious and faithful
and
to exonerate all their criminal charges, living or deceased**

September 8, 2005 will be remembered as your historical first visit to the United States and to Yale University as the President of the People's Republic of China. The world will be eagerly listening to your vision for China. However, September 8, 2005 is also being observed by 12 million Roman Catholics in China and millions more worldwide as the 50th anniversary of the unjust and brutal assault on the Roman Catholic Church in Shanghai when the Chinese government simultaneously arrested the late Bishop Ignatius Kung Pin-Mei 龔品梅主教, at the time the Roman Catholic Bishop of Shanghai, 21 priests, 2 nuns, and approximately 300 Roman Catholics for practicing their Roman Catholic religion.

Today, fifty years later, we commemorate and weep silently about this gross injustice and tragedy that your government had inflicted upon these innocent Catholic religious and faithful. All of them were sentenced to 10 – 30 years and even to life imprisonment. In honor of these bloodless martyrdoms, the late Pope John Paul II secretly (*in pectore*) elevated Bishop Kung PinMei to a Cardinal in 1979 while he was still in jail and publicly proclaimed him a cardinal in 1991 amidst a 7-minute standing ovation before an audience of 7,000 people.

Since 1949 when your government took over China, literally tens of thousands of Roman Catholic bishops, priests, nuns, and their faithful have been imprisoned for 5, 10, 20, 30 or even 40 years. Many of them, such as Bishop Fan Xueyan of Baoding 保定的范學儼主教 (34 years in solitary confinement), died in jail. Some of them are still in jail on this date or have vanished after they were arrested. Many of them were released after a very long period in jail. Some of those released are still living in China or in other parts of the world. Some, such as Cardinal Kung Pin-Mei, whom the late Pope John Paul II called "this noble son of China and of the Church" (30 years in solitary confinement and 2.5 years in house arrest), and Archbishop Dominic Tan Yee-Ming of Canton 廣州的鄧以明總主教 (24 years in jail without a trial), have since died.

To: President Hu Jintao From: Joseph Kung, Cardinal Kung Foundation September 1, 2005 Page 2 of 2

It does not matter if these prisoners are dead or living today. They are still considered criminals because the “criminal” charges against them were never erased by your government.

There are thousands more like Cardinal Kung, Bishop Fan and Archbishop Tang. They are all loyal citizens of China and they love China.

Mr. President, you have the power and the leadership to bring modern China into an era of true religious freedom. Mr. President, you also have the wisdom and historical acumen to realize that a country without religious freedom is never peaceful and constructive. You know the importance of changing the world’s perception of China’s human rights policy for the better and you can do it. And, we pray that you will do it.

The Chinese government has justifiably exonerated numerous political prisoners in the past. On this 50th anniversary of the unjust and brutal assault of the Roman Catholic Church in Shanghai described above, the Cardinal Kung Foundation appeals to you once again, as we have appealed to your Ambassador Yang Jiechi on March 23, 2005, that all these prisoners, including Cardinal Kung, Bishop Fan and Archbishop Tang and many others, both living and dead, be officially and posthumously exonerated of so called crimes of which the Chinese government falsely and unjustly accused them, some as long as five decades ago. We also appeal to you to release all current religious prisoners from prison and labor camp as per the attached list. By your doing so, the reputation of these living and dead religious prisoners of conscience in China can be restored. Those who are still living can at least once again enjoy equal treatment in the society. To do so will be a powerful testimony to the Chinese government’s respect for and adherence to human rights and liberty. To do so will also prove that China is honoring the spirit of the Olympic Games that you will have the honor of hosting in 2008.

God love you.

Thank you.

Yours truly,

Joseph Kung 龔民權
President
Cardinal Kung Foundation
龔品梅樞機基金會

Mr. SMITH. Thank you, Mr. Kung. Let me begin, Mr. Kung, with you on that last point, and I have questions for our other distinguished witnesses. Your mention of the Olympic games reminds me of the fact that to the Chinese Government the Olympics isn't just a sporting event, it is a political event. I remember when they were seeking to obtain the Olympics in the mid 1990s, they let Way Jing Shan out of prison in order to try to curry favor with the Olympic Committee and with critics of its human rights policy. And I met with Way in China at the time, had dinner with him. He was subsequently rearrested just a few weeks later. And the Olympics did not go their way, so that was another proximate cause for the re-arrest.

But it seems to me that the Olympic Committee and the World Committee has missed an opportunity to send another message to China in holding the Olympics there. We know for a fact that in the past when a venue for games like this, whether it be the Asian games, or even the Beijing women's conferences in the auspices of the U.N., there are crackdowns, dissidents are visited. They are told not to speak up. Some are arrested. So there are people who suffer turmoil simply because the games are coming to that venue in Beijing.

And I actually felt a real disappointment when I heard that the great film maker, Steven Spielberg, announced that he is going to be part of the ceremonies for the 2008 Olympics. And it immediately flashed in my mind that, you know, these Olympic games are to the Chinese dictatorship what the 1936 Olympic games were to the Nazis, a chance to put a face on tyranny, to somehow gloss over ongoing systematic abuse of human rights.

I, for one, was disappointed that he would lend his name and his extraordinary talents to that effort. But having said that, I think your point is very well taken, there is this opportunity to reraise that issue about the release of prisoners. It would be unconscionable to act as if everything is just fine, to go to those games without extreme pressure to release the prisoners who are suffering, who will have no access to watch the games, that is for sure, and probably will see their torture and their pain and agony increased. While those who are still on the outside, you know, they will be, they will be visited, like I said. So I think your point was very well taken there.

I would like to ask you, if I could in March 2005, the Chinese Government introduced further regulations to consolidate controls on religious belief and expression throughout the country.

Has religious persecution, in fact, worsened even since then, since these new regulations went into effect?

Mr. KUNG. You are talking about this law which is a new legislation, sir, instituted in March 2005. As far as I can see, it didn't improve the religious controls over all kind of different religious believer. If any, they actually restrict more and punish more to the religious believer since the application of this March legislation. So there is no improvement at all.

Mr. SMITH. You mentioned the 45 underground bishops who were arrested, not known what their whereabouts are, what their status is, but they are missing, certainly. What has been the U.S. Department of State's response been to clergymen, including Catholic cler-

gymen, priests, bishops, pastors, others? Has our Government been sufficiently engaged to press for their release?

Mr. KUNG. Whose response?

Mr. SMITH. The U.S. Government's pressure on——

Mr. KUNG. Every time I have the opportunity to testify and every time I have the opportunity to correspond with the State Department, I always mentioned this particular point, not only 45 bishops that are either in prison or in house arrest or in surveillance or on the run and so forth, but also there are many, many priests and the faithful that are in jail. We only report a few of them, but there must be about hundreds of them in jail.

The persecution continues and it is getting bolder as I said. And there is no improvement at all. What we received at the Cardinal Kung Foundation, what we have press released to all over the world, it is only a drop in the bucket about the arrests. And I have to emphasize that. There are many, many things which we don't know of. And I have received telephone calls almost daily from China that somebody was arrested, somebody was harassed, but I just don't have enough evidence in order to write a press release, but there are so many arrests that could be written up. It is awful, horrible.

Mr. SMITH. My hope is that, because even the State Department report and the religious freedom report, a separate but reinforcing report, makes very clear is that the repression continues unabated, and, in fact, has worsened in many areas. But I guess the heart of my question is, are we responding in a way that the Chinese get it, that they realize, that we need a—CPC carries with it an excess of 12 different actions that the United States Government can take vis-a-vis Beijing to try to press its point. We are doing that with Vietnam right now. There are a number of what we call deliverables we have laid on the table in a document that has been signed by the Vietnamese Government and the United States Government.

So it would seem to me perhaps you might want to get back to us with some further thoughts on that. But there is more that we could be doing. We are chronicling the abuse, but are we responding to those abuses in a way that is meaningful.

Mr. KUNG. I do hope in the meeting tomorrow between President Bush and President Hu, this very important subject of human rights will be discussed, not just barely, but in depth.

And I do hope also that through the influence of this hearing, that the letter which I wrote to President Hu will be mentioned. And I think that is a very important letter, because he is a person who does have the authority and the power to do so. If he does that, it would be proof for his sincerity and seriousness about the human rights.

Mr. SMITH. As you know, I mentioned in my opening statement, having met with Bishop Su it was moving beyond words. I have met many political prisoners and religious prisoners, but what struck me most about that visit was his lack of any kind of animosity or sense of wanting retaliation against the government. He prays for the government.

And yet they still—as you said, 30 years; I thought it was in excess of 27—mistreat him. So thank you for raising those issues.

Let me ask Ms. Kadeer, if I could.

You mentioned in your testimony, with great emphasis, the use of the Chinese family planning program as a tool of repression of keeping the numbers down of Uighurs, through forced abortion, coerced sterilization, while simultaneously inviting a migration into your area.

That is absolutely reminiscent of what has happened and continues to happen in Tibet, where the Dalai Lama has written extensively about the dual policy of killing indigenous Tibetans through forced abortion and other ways, and using family planning in a way that it was never intended to be used. That is, as a way of keeping the numbers down, while doing this forced migration in many cases of Han Chinese.

Could you just elaborate a little bit further on that, and how long that has been going on? Did it just start? And, you know—if you could, thank you.

Ms. KADEER. The forced family planning policy that the Chinese Government has forced upon the Uighurs started in 1987. From a cultural, ethnic and religious point of view, the forced abortion, the course of abortion is unacceptable and beyond reason.

The current sitting chairman or the governor of Xinjiang, the Communist region, Mr. Ismail Tilwaldi, declared to the world that because of the harsh policy, because of the ongoing family planning policy in the 95th national planning period, the Chinese Government prevented 3 million Uighur children to be born.

Because of the reasons stated, mostly religious and ethnic, it is very hard for a Uighur woman to accept that forced family planning policy, and they continue to become pregnant. As a result, they end up going through numbers of abortion procedures affecting their health situation.

Because this population, specifically those women, getting pregnant and being subject to three, four times of abortion, forced abortion, is rather uneducated, they belong to the population of rural areas, there is basically no health care system that prevents or helps with a mother's recovery from all of these forced medical procedures. Various female diseases related to the female organs are very common around the women aged 35 to 50 as a result of poor medical attention prior or after the forced abortion. It is causing various and rare diseases.

The Uighur people, as I have stated earlier on many occasions, have contributed to world civilizations greatly in the past centuries. As a result of this ongoing persecution, from the Uighur perspective, a gradual ethnic provincial cleansing, if you will, is going to result in the Uighurs to be wiped out from the face of the earth if this continues in the next 20 years.

Ironical as it sounds, on one hand the Chinese say, we need to prevent—we need to enforce family planning, we have a population problem; and being known the fact that the region itself is known to be short—has a resources problem. On one hand they are saying, we have to control the population, on the other they are encouraging, by various incentives to bring the Chinese migrants to our homeland to create, (A) social tension, (B) economic problems, and (C) environmental disaster. This is statistics; it is not my word.

In 1955, the Chinese population only made about 20 percent, which is about half of the population today; and our population dropped from 40 percent to somewhere around 30. The autonomy laws that were never used were implemented, clearly indicating that the minority population or the Uighur population should not be dropped; or the other way around, the Chinese population should not exceed the indigenous population in the area. The Chinese Government obviously violates its own laws on a regular basis.

I have two strong messages that I would like to let the Chinese leaders, specifically President Hu, to hear: A, the forced abortion must be stopped; two, the death penalty that has been met upon the political, or prisoners who are held for political charges, must be ceased now.

And East Turkestan, my homeland, remains to be the only province in China where the political prisoners are still facing the death penalty. And I demand the Chinese Government to stop restricting Uighurs' cultural rights. As you may know, the Uighur language has been banned in high school and university level.

Mr. SMITH. Ms. Kadeer, let me ask one additional question.

As you probably know, in January 2006, the U.N. Population Fund approved \$27 million in new funding for China for their family planning or population control program. And many of us have argued passionately that this assistance puts the U.N.'s seal of approval on a very coercive population control program which when used against the Tibetans and the Uighurs, constitutes genocide.

The Genocide Convention couldn't be more clear that when people are targeted in whole or in part because of their ethnicity for destruction, that that is what constitutes the crime of genocide. And it seems to me that when there is a systematic effort to displace the Uighurs by using migration policies, coupled with depopulating family planning policies that include forced abortion, it would seem to rise clearly to that level.

Let me also add that in Nuremberg, forced abortion was construed to be a crime against humanity when practiced against Polish women by the Nazis. It is no less a crime against humanity today when practiced by the Chinese against a vast array of women in China, including the Uighurs.

So it is an area that we need to pursue much more vigorously than we have, because that stamp of approval that again has been placed upon this program by the UNFPA is unconscionable, in my view.

So I thank you for your statement. And I would like to ask Mr. Gutmann a couple of questions.

I took the time last night to read your book, and found it—and I would recommend it to anyone who really wants to get some very crucial insights, *Losing the New China: a Story of American Commerce, Desire and Betrayal*, by Ethan Gutmann.

But you made several points in this book that I find very disturbing, not just from the police side, which you speak to, but also the military side. In Chapter 7, "Roaring Across the Horizon," you lay out a very disturbing time scenario that speaks to the issue of how the Chinese military development has grown so effectively, in part a response to Desert Storm.

In part, as I think you put it, the pivot, was when the Chinese Embassy in Belgrade was bombed. For the hard-liners, that was a turning point for them, and all with an eye towards, when do they move on Taiwan? How do they take out the AWACs? How do they blind our satellites? You lay out a very disturbing scenario.

But at the core of it, and it was one of our former Presidents, Eisenhower, who talked about the military industrial complex, and it seems especially perverse, I would think, when United States corporations become part of the Chinese military industrial complex, in aiding and abetting what is still a dictatorship, developing a blue-water Navy with ICBMs, as you point out, with MERV capability. A very disturbing sign you paint there.

You might want to elaborate on that a little bit, because I think that is another side of this that we need to bring forward.

Mr. GUTMANN. I think it is interesting that we are in Washington today; of course, there is an awareness of China's rise and there is an awareness of the China threat to some extent. But we do not have the kind of broad-based strategic attention that you had, for example, during the Cold War, obviously nothing like it.

Yet some of those questions are coming up are brought up by the force posture itself that China is building. How do you maintain an escalation dominance with armed forces that are basically geared—they are asymmetric. They are geared to our weaknesses; they are not geared to match us system by system, the way the Soviet Union was. Even asking is considered so Cold War that it shouldn't be asked. It is as if you are creating, by asking the question, a self-fulfilling prophecy.

So I do not think the problem just goes to business there. But I think that it is part of this whole area of the China exception.

But I would also say that business has become a huge part of that problem. One of the feelings that American businessmen had when the riots appeared in Beijing was, you know, how do we calm these people down? We are kind of in the middle here; we are not the government. And we—as businessmen, we went out and we made efforts to mollify the Chinese leadership.

Now, what that meant was, they sort of said, well, look what we really need here is, we want you to help us get on a par with America. And that is why you have seen this amazing amount of research and development moving over to China. And it is not just because engineers are cheaper. It really comes down to more, this has become the new form of bribery. This is how you stay in business in China, you do something to make China stronger.

And so for Motorola, for example, it is something like 5,000 researchers now. Some of them are CCP, some of them are PLA. They are working for China's 863 project.

This technology is going straight out to the PLA, you know; and unlike bribes where there is the Foreign Corrupt Practices Act, I do not think this is really truly being monitored very carefully.

The fact is, China could close up shop today, could end its trade today and they would be okay in this area. They would have fourth generation communications for the first time that I think can rival America's.

Mr. SMITH. What message would you send to Bill Gates and to the others right now with regards to President Hu?

Mr. GUTMANN. I don't know what to—you know, I am not quite sure. Bill Gates has blown hot and cold on China many times. It is almost as if Microsoft feels it is its own country. I would actually encourage that. I wish they would behave more like they were their own country, and they could take or leave China.

That is what I saw originally in Microsoft in my experience as a consultant. Originally, when Microsoft came to China, the kind of corporate responsibility programs they were doing were about labor. They were about unemployed people in Hebei. I used to look through the mug shots of these people, just page after page, thousands of people, who were down on their luck; and Microsoft told them, yeah, sure, Microsoft Windows, they were hired so they can get better jobs.

Well, I think that is good corporate responsibility. I think that is terrific. I think it is completely different from, for example, having a research and development center with the PSB in Shanghai. That is what I would encourage Microsoft—I would say, get out of that business and, you know, if you can, form this new coalition.

And I would encourage one more thing. You know, Microsoft and a lot of other companies give contributions to Republicans and they give contributions to Democrats. Sometimes they do it even in the same race. I do not see why these companies very quietly cannot go out and start finding some of these places like Dynaweb—small companies, they are out there—to break through the Chinese Internet, you fund them through foundation cutouts, keep the evidence, do not say a word about it, because when the CCP falls, you have a piece of paper showing you did something on the other side.

This is an essential insurance policy for these companies. I understand we will not hear about it if they do it, but I encourage them to do it.

Mr. SMITH. Thank you. You know, we just got news that a third Yahoo! cyber-dissident, according to Reporters Without Borders—who testified at our hearing on February 15th—Jiang Lijun, was sentenced to 4 years. Just another indication—that is just another one we know about, because there are just probably many, many more that have been sent to the laogai. But I would just make that point. That was just on the wire.

Let me just ask, if I could, Ms. Kadeer, about your family back in your homeland. We had written a letter—I say “we,” I was joined by several Members of Congress, including ranking Democrat Tom Lantos, last May 20th, asking the Premier—we expressed our grave concern, that of the U.S. Congress, concerning the arbitrary arrest on May 11th of business associates and your son.

What is the status of your family? I mean, you are so brave to be speaking out. And you know that they have retaliatory powers, and they have not been shy about using them. It seems to me that President Hu—as well, your appeal to him was made earlier to stop forced abortion and other atrocities.

I would hope that you would also make an appeal on behalf of your family, because I think it is unconscionable that they so mistreat the families of brave people like yourself.

Ms. KADEER. On May 11th, reportedly over 300 Chinese security police, came into my office at Urumqi and confiscated all of the business records. And my direct assistant and my secretary were

taken away by the police. They put my family and my son on the watch list. They put surveillance on my business, including family members, to make it impossible for them to go on with their regular human lives.

I was worried back then that it is likely that three of my children will be put in jail. Because of Your Excellency and other Members of Congress' direct involvement, my children's arrest and some other hardships have been prevented. As a result, my business associate has been recently released; so has my son.

Despite how hard the Chinese Government tries to silence me, I live in a free world, and I have a mandate from my people, and I have a moral obligation to speak up and let my people's voices to be heard in the Free World, to the people who care about them and the future of my country.

After my assistant was released from prison, they made her call me and try to persuade me to stop criticizing the Chinese Government; stop making public statements; stop disclosing all of the atrocities or facts that I know about Chinese policies. They are trying very hard to put various types of restrictions on my family, specifically my sons' business and regular life. But I haven't heard anything about my business assistant, who has a few small children.

They are doing anything that is possible within their capacity to cause my business to collapse. I forgot about the business aspect of my life a long time ago. So I care less about what money means to my family, such as in the past. But my biggest concern is the safety of my remaining family members back home, specifically my sons.

After trying all types of efforts, harassment—even harassment here in the United States—they could not stop me. And now they are about to charge. I heard that they are going to charge my youngest son.

I am a mother, and like any other mother, I love my sons. My sons have been encouraging me despite, what they are going through or what they will face, that I should not stop speaking up.

I would rather sacrifice the happiness and safety of my children to speak up on behalf of my hopeless people.

I am not the only political activist, the only political activist who has been experiencing all types of harassment. But other Uighurs, other political activists living in the Free World, in a civilized world, have been experiencing the same or similar.

They have tried all types of political accusations and find that it is not going to be very effective. So they came up with this new method, that my company and my son committed tax fraud. It is very likely they can accuse, they can charge us on anything, because they confiscated all of the business records, so that we will not have anything to rebut their charges or accusations.

With your support and the freedom-loving American people, I will never stop my struggle to speak out for my people.

Mr. SMITH. Thank you very much, Ms. Kadeer. And I can assure you that Members on both side of the aisle, Republicans and Democrats, and the White House will follow your personal family situation. I mean, not only are you courageous to be here, but they are

courageous to be encouraging you as they have. So we will do everything we can by way of letters, contacts, for what is it worth.

And I would hope the business community would also begin to speak out on behalf of persecuted people in China, including your family. So I thank you.

I do have one final question before going to Panel 2, and that would be to Mr. Gutmann with regards to—again, in your book, you talked about a couple of things. And in reading one, you talk about Jesse Ventura’s trip and his speech about how opportunity isn’t just knocking here in China, it is pounding.

And he was beyond the realm, above the fold, if you will, in terms of promoting that this as the best opportunity since sliced bread—which I think it has proven to be far less than that. With a budget deficit of \$200 billion in China’s favor, it certainly raises questions about how equitable the trading relationship is.

But as you point out, this kind of rhetoric was the ongoing tool of legitimacy for the Chinese Government. It reminded me of a trip I took, when I did ask the American Chamber of Commerce in a meeting put together by the commerce folks in our Embassy, have they ever met a dissident.

And I had just had dinner the night before. And I said, meet with him. Listen to what he has got to say.

When I raised religious freedom issues with the American Chamber of Commerce in Beijing, one of them said, “My secretary goes to mass and, you know, you can too.”

I said, I am sure that is the Catholic Patriotic Association which bewildered him when I mentioned the name. So there is this naïveté, that is very, very disturbing.

And you do the same when it comes to codels, if you would speak to that as well, when a congressional delegation visits, if Members and staff are not really sufficiently briefed, especially in a Communist country. And dictatorship can be very much a part of the public relations spin that the state-run media will put on it.

But also you made a point that I thought was interesting about how the Embassy has a strategy, you know, to work for the goals of making sure that they see what the Embassy wants them to see and then send them out on a little vacation, and do some sight-seeing.

Those two points, if you might want to speak to that, the American Chamber of Commerce. I think you have got it.

Mr. GUTMANN. The American Chamber of Commerce has—you know, it is an interesting role. They do spend a lot of time on the issues that are set. I spent some time on that in the book, one chapter called “Visiting Day,” which was just based on experience, basically that we bring—codels are sent over, and we—our job is to kind of get them to dampen their questions; and we do that through a number of methods.

We kind of—we spend a lot of time showing them how much we know and how much more power over the situation we have. We in a sense very subtly let them know that they do not know really know anything, they haven’t even been to a real Chinese restaurant, let alone talked to a dissident.

We make sure, and then when we sort of soften them up. We lead them to the general rhetoric, which is that business is the way

to bring your objectives in China; they are one, they are inseparable. Over time we have seen tremendous changes and will continue to see more. And that theory has been very, very appealing for a long time.

The reason why it is beginning to come into question is because precisely what this hearing is about today, is that human rights and democracy have not advanced in anywhere near the same, or have not advanced at all. In many cases, we have seen this retraction.

Now, the tragedy of the American expat or the tragedy of the American Chamber of Commerce in Beijing is that it has now become sort of a faith-based idea. It no longer responds to the reality on the ground. The reality on the ground is very different.

And you are absolutely right, the expat becomes more and more separated out from the society they are actually living in, okay? We live in walled compounds. We have drivers. We just do not have to intersect with that society so much.

Now, there are a lot of great expats out there. I just want to say, just out of a personal note—and you know, I run into them from time to time, and they are the guys I love. They are the ones who go out, and they are like—this is wild, wild east for them. They are out there in the countryside. They are making deals. They don't care if it is corrupt or not; they want to move on this stuff.

That is a different type of personality. It is a fading type. They are like the cowboys of the Old West.

The new types are the ones who have spent a lot of time building their connections with the Chinese Communist Party, it has taken them years to do it, and they are not going to burn their bridges. And that is why we are getting the kind of a disconnect between even the Embassy on the ground at Beijing, because I think that is a phenomenon that happens there too; that is why we are getting a disconnect between Beijing and the United States.

Mr. SMITH. I appreciate that very much.

I want to thank our three very distinguished witnesses for your testimony and for your great work that you do on behalf of human rights in China and your other work.

And I would like to talk to you further, Mr. Gutmann, about our bill, since you feel it needs strengthening, to get your particular recommendations for that. So I thank you for that.

Mr. Kung and Ms. Kadeer, thank you again.

Let me now welcome our second panel, beginning with Ms. Thea Lee, who is Policy Director at the AFL-CIO, where she oversees research and strategies on domestic and international economic policy. Ms. Lee is coauthor of a Field Guide to the Global Economy.

She serves on several advisory committees, including the State Department Advisory Committee on International Economic Policy, and the Export-Impact Bank Advisory Committee.

We will then hear from Dr. Steven W. Mosher, President of the nonprofit Population Research Institute, and widely recognized as one of the world's leading authorities on the population question. Mr. Mosher came face to face with the nightmare of population control when he was the first American social scientist to document life in rural China in 1979–1980.

Dr. Mosher, a convert to Catholicism, is the author of the best-selling, *A Mother's Ordeal: One Woman's Fight Against China's One-Child Policy*.

I would note that he was the first individual, in my own case as I became a newly elected Member of Congress, and as he broke the story of coercive population control in China, to make me aware of it in the early 1980s. And I, among many others, have benefited from his scholarship and the willingness that he has had to stand up to enormous pressure not to come forward with the very disturbing human rights abuse that he revealed.

And so I personally want to thank him for being such a courageous person to speak truth to power when it cost him personally.

We will then hear from Mr. Harry Wu, Executive Director of the Laogai Research Foundation, who was first arrested as a young student at the Beijing Geology College for speaking out against the Soviet invasion of Hungary and criticizing the Chinese Communist Party.

In 1960, Mr. Wu was sent to the laogai, which is, as we know, the Chinese gulag, as a counter-revolutionary rightist. During the next 19 years he was imprisoned in 12 different forced labor camps around China, where he was forced to manufacture chemicals, mine coal, build roads and clear land, as well as plant and harvest crops.

He is author of *Laogai—The Chinese Gulag*, a theoretical explanation of the laogai system.

Mr. Wu has received numerous awards for his activities, including the Hungarian Freedom Fighters Award in 1991.

I would just note parenthetically, with Mr. Wu, we have had many hearings in this Committee since I assumed the Chairmanship back in 1994, held it for 6 years, and then regained it again just in this Congress; and Mr. Wu has been an extremely valuable source of information.

He insists on information being accurate, and I say again, "accurate." He does not put forward information unless he can prove it beyond some reasonable doubt, so that—you know, in human rights work, that is very difficult to do sometimes, but his standard is a very high bar.

I would also note that in our first hearing that we held on the laogai in the 1990s, he and five other survivors of the laogai, including Katherine Ho Katrina and Paulede Yahtzin and others came here and told us what went on and what goes on in those Chinese gulags. It was a riveting, first-ever look in a comprehensive manner as to the punishment meted out to women and men in this laogai system.

We will then hear from Lu Decheng, who was one of the three people who defaced the portrait of Mao Zedong during the 1989 democracy movement at Tiananmen Square. Along with Yu Zhijian and Yu Dongyue, Mr. Lu, threw a paint-filled egg at the portrait of Mao. For that he was charged with counter-revolutionary sabotage, propaganda and incitement, egg-throwing. For his crime he was sentenced to 16 years in prison. He served over 9 years, for egg-throwing, of that 16-year term, before being paroled early in 1998.

Mr. Lu then fled to Burma, to Thailand, in November 2004, and left Thailand for Canada last week under a resettlement program by the U.N. High Commissioner for Refugees. We are grateful to our Embassy and to the Canadians for facilitating his visit here today, because I know he has recently arrived, and they got all of his papers together so that he could be here to testify.

So I do thank you for making the visit and for those who helped make that possible. So if I could, Ms. Lee, if you would proceed.

**STATEMENT OF MS. THEA LEE, DIRECTOR OF PUBLIC POLICY,
AFL-CIO**

Ms. LEE. Thank you very much, Mr. Chairman, ladies and gentlemen. I would like to sincerely thank you for the opportunity to testify today on behalf of the 9 million working men and women of the AFL-CIO on this extremely important topic, and thank you for taking the initiative to hold this hearing today during the visit of President Hu Jintao.

With your permission, I would like to summarize my written statement.

Mr. SMITH. Without objection, your full statement will be made part of the record.

Ms. LEE. The United States trade relationship with China is enormously imbalanced and problematic, and the AFL-CIO in other forums has raised many of the concerns that we have with respect to the economic relationship: The Chinese Government's manipulation of its currency, violation of intellectual property rights, and illegal export subsidies.

But the focus of my testimony today will be our number one priority, the priority of the American labor movement, and indeed of unions worldwide, which is the Chinese Government's systematic and brutal repression of human rights and workers' rights.

In our view, this is a moral issue, one in which our hearts go out to Chinese workers. Our solidarity is with those workers who struggle under very difficult conditions, with no help from their own government, and very little help from their employers. But it is also an economic issue for American workers, because this economic relationship is incredibly important to both of our countries.

We have, as everybody knows, a \$202 billion trade deficit with China, and the Chinese Government's repression of workers' rights systematically reduces the wages that Chinese workers get and, therefore, reduces the prices of goods produced in China. This is, in our view, an unfair trade practice and one that contributes to the massive and imbalanced trade deficit that we have with China.

We urge President Bush and the Congress to put workers' rights at the center of the United States and Chinese Governments' dialogue both this week, and also in the future. This is such an important issue. Because of our huge trade relationship with China, our Government is uniquely positioned to raise this issue in a forceful way and to send a message to the Chinese Government that our trade relationship cannot continue on the current path unless there are concrete improvements with respect to workers' rights and human rights by the Chinese Government.

In addition, there is one other message we would like to ask President Bush to raise this week with the Chinese Government,

and that is asking the Chinese Government to cease the forcible repatriation of North Korean refugees who face terrible persecution when they are sent back to their country.

In terms of the workers' rights issue, there is also an important point: The U.S. Congress has actually given the President an important tool to use in this respect. In 1987, Congress amended the Trade Act of 1974 to include repression of workers' rights as an unfair trade practice under Section 301 of the Trade Act of 1974.

And I will come back to that issue in a minute, but I think it is important in terms of what we can do besides simply jaw-boning this issue that we actually have tools at our disposal to raise this issue, and we ought to use those tools.

The Chinese Government's repression of workers' rights is a key contributor to the unfair advantage that Chinese exports have in the United States market and in third country markets. And as we know from the State Department's human rights report, the ILO and the International Confederation of Free Trade Unions, workers in China do not enjoy the rights of freedom of association, the right to bargain collectively. And these are, of course, the fundamental, bedrock worker rights on which all other worker rights depend; that if workers cannot join together in unions of their own choosing, and contribute both to their bargaining at the workplace, but also to a political voice, that this is a crucial missing component of any vibrant democracy. And this is, I think, one of the reasons that the Chinese Government finds this issue so threatening, because it is threatening to any authoritarian government to have workers actually join together and have an independent voice. That is why we have put so much emphasis on this particular issue as the key problem in China.

In addition to that, of course, there are huge problems even with enforcement of China's own labor laws with respect to minimum wage, hours of work, child labor, safety and health, and particularly with respect to migrant workers. And many of these problems are getting worse, not better.

That is one of the key focuses of this hearing: Has China joining the WTO in 2000 improved its adherence to these internationally respected workers' rights or not?

Our view is, and I think the evidence shows pretty overwhelmingly, that the worker rights situation is deteriorating, not improving.

In particular, I would draw your attention to the problem of child labor. I am sure Mr. Wu will speak in more detail about the forced labor issue, but child labor used to not be a big problem in China, because China does have a decent education system. But in recent years, as we see labor shortages and increasing pressure, more turnover in some of the export zones, we have seen a growth in the use of child labor. There are estimates that there are as many as 10 to 20 million child workers in China today, working under sometimes very oppressive conditions.

Let me just say quickly that 2 years ago, the AFL-CIO filed a Section 301 case against China with the U.S. Trade Representative's Office, alleging that the Chinese Government's repression of workers' rights was, in fact, an unfair trade practice. We documented not just the repression of workers' rights, which is fairly

easy to do—it took more than 100 pages—but we also documented the economic impact that China’s repression of workers’ rights has on American workers and American businesses, that it is a key contributor to the imbalanced trade relationship; and we asked the government to take action.

At the time, the Bush Administration rejected our petition. And they did not actually challenge the factual basis for the petition that we filed, but they said that they had a better way, that they were going to engage in more dialogue and cooperative dialogue with the Chinese Government to address some of these concerns.

Well, our view is that 2 years later that dialogue has yielded virtually nothing and that the kinds of high-level meetings, visits, seminars, and cooperative programs have not yielded any important changes in Chinese labor laws or Chinese practices; and the challenges facing migrant workers, in particular, are just as difficult as they were 2 years ago.

So the time has come to act and to take stronger action than has been taken in the past, and we call on the Administration and on Congress. I think it is really going to be up to Congress to take some strong action here and to send a message to the Chinese Government that the market access that they enjoy is at risk if concrete progress on workers’ rights and human rights is not made.

And so let me leave it there. I look forward to your questions, I look forward to the testimony of my fellow panelists, and I thank you again for holding this hearing today.

Mr. SMITH. Thank you, Ms. Lee, for your testimony.

[The prepared statement of Ms. Lee follows:]

PREPARED STATEMENT OF MS. THEA LEE, DIRECTOR OF PUBLIC POLICY, AFL–CIO

Mr. Chairman, Members of the Subcommittee, thank you for the opportunity to testify today on behalf of the nine million working men and women of the AFL–CIO on this very important topic.

The U.S. trade relationship with China is enormously imbalanced and problematic. The Chinese government has violated its international obligations with respect to currency manipulation, export subsidies, and intellectual property rights, among other things. However, for the American labor movement (and for unions globally), addressing the Chinese government’s massive violations of human rights and workers’ rights is the top priority. This issue is both a moral issue and an economic issue, impacting the daily lives of Chinese workers, and the quality and composition of American jobs, as well as trade and investment flows for many developing countries.

We urge President Bush and the Congress to put protecting workers’ rights at the center of the U.S. and Chinese governments’ dialogue, both during this week’s visit by President Hu Jintao and in the future.

VIOLATIONS OF WORKERS’ AND HUMAN RIGHTS

The Chinese government’s systematic and sometimes brutal repression of fundamental workers’ rights is a key contributor to the unfair advantage Chinese exports enjoy in the U.S. market and in third-country markets. Chinese workers’ most basic rights are routinely repressed, and they do not enjoy the political freedom to criticize, let alone change, their government.

Chinese workers do not enjoy freedom of association or the right to organize and bargain collectively. According to the State Department’s 2005 Human Rights Report, “workers were not free to organize or join unions of their own choosing,” and “independent unions are illegal.” The single labor organization in China, the All-China Federation of Trade Unions (ACFTU), is legally subordinate to the government and the Chinese Communist Party, not to its members.

The Chinese government also fails to enforce its own laws with respect to minimum wages, maximum hours, child labor, and health and safety rules. Migrant workers face particularly harsh and precarious conditions, often facing deportation

if they complain to authorities about abuses by employers. Child labor is becoming more common, as labor shortages increase turnover in some regions. Forced labor remains a significant, if difficult to measure, problem. Wage arrearages are becoming increasingly problematic, with some researchers estimating that the national average of unpaid wages is three months for each worker.

These abuses allow producers in China, including many multinational and U.S. corporations, to operate in an environment free of independent unions, to pay illegally low wages, and to profit from the widespread violation of workers' basic human rights. For example, Chinese mines are the most dangerous in the world, with more than 10,000 Chinese miners dying in industrial accidents each year (about 80% of the worldwide total). Unlike American mineworkers, Chinese mineworkers are denied the right to organize and bargain collectively—a crucial element in the development of effective mine safety regulations in this country.

Rates of illness and injury have never been higher in China's manufacturing sector—as officials of China's own Work Safety Administration conceded as recently as February, 2006.¹ Aggregate unpaid wages have risen to record levels, setting off thousands of illegal demonstrations, labor shortages, and increased child labor—as adult workers increasingly refuse to accept such injustice. Workers who merely petition for payment of their wages are increasingly met with violence by security police and other local officials.

There are as many as ten to twenty million child workers in China—from one-eighth to one-quarter the number of factory workers. The problem of child labor has increased in recent years. China's minimum working age standard is widely violated, and the Chinese government does little to enforce the standard. As the U.S. State Department stated in its 2005 Human Rights Report on China, "The government continued to maintain that the country did not have a widespread child labor problem."² As reported in *CSR—Asia Weekly* last November local officials rushing to compete for manufacturing investments local are reticent to enforce child labor regulations.

The Chinese government implements an extensive system of forced labor camps. The precise number of forced prison laborers is unknown, but estimates range from 1.75 million to 6 million and higher.³ Independent researchers, the Congressional-Executive Commission on China, and the U.S. House of Representatives confirmed that goods produced in China by forced labor continued to be exported to the United States in 2005, despite numerous promises to the contrary.⁴ In its 2005 resolution condemning China's forced labor, the House of Representatives detailed the appalling working conditions in the forced labor camps and found that the "Chinese Government has continuously encouraged the export of goods produced through the Laogai prison system and relies on forced labor as an integral part of its economy."

Chinese policies amount to a deliberate and artificial suppression of wages below what a freely bargained wage would be, and even below what would be efficient in the Chinese context. This exploitation impacts American workers and domestic producers, as well as those in other developing countries, and artificially lowers the price of Chinese exports in the U.S. market.

In China, the result has been "labor shortages," wildcat strikes, and massive protests. According to *Time Magazine* ("Inside the Pitchfork Rebellion," by Hannah Beech), "Violent local protests are convulsing the Chinese countryside with ever greater frequency—and Beijing has proved unable to quell the unrest. By the central government's own count, there were 87,000 'public order disturbances' in 2005, up from 10,000 in 1994."

That is an average of 238 protests every day last year.

President Bush did not demand any specific improvements in human rights when he met with China's President Hu in the summer of 2003. Instead, the Bush Administration has only engaged in an ambiguous and ineffective "cooperative dialogue."

The Administration's failure to take concrete actions on human rights and workers' rights in China allows rampant violations to continue. Workers in China, the United States, and around the world pay the price for this inaction, while companies producing in China enjoy the profits.

¹ Reported in Cao Desheng, "Diseases at Work Haunt Migrant Workers," *China Daily* (February 17, 2006).

² U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, Country Report on Human Rights 2005: China (March 8, 2006).

³ Evan Osborne, "Some Economics of Chinese Prison Labor," Wright State University and Osaka University Institute of Social and Economic Research (undated); Philip Pan, "China's Prison Laborers Pay Price for Market Reforms," *Washington Post* (June 14, 2002).

⁴ Congressional-Executive Commission on China Roundtable on Forced Labor (June 22, 2005).

Workers' Rights Section 301

Two years ago, the AFL–CIO filed an unprecedented petition with the United States Trade Representative under Section 301 of the Trade Act of 1974. The petition asked the Trade Representative to take action to end the Chinese government's repression of the human rights of its factory workers.

It marked the first time in the history of Section 301 that a petition invoked the violation of workers' rights as an unfair trade practice, although it is common for corporations or the government to use Section 301 to challenge commercial unfair trade practices, such as illegal subsidies or violations of intellectual property rights.

Section 301(d)(3)(B)(iii) of the Trade Act provides that acts, policies, or practices of a trading partner are unreasonable if they constitute "a persistent pattern of conduct" that—

- (I) denies workers the right of association,
- (II) denies workers the right to organize and bargain collectively,
- (III) permits any form of forced or compulsory labor,
- (IV) fails to provide a minimum age for the employment of children, or
- (V) fails to provide standards for minimum wages, hours of work, and occupational safety and health of workers.

The petition showed that the Chinese government was engaged in a "persistent pattern" of denying the fundamental rights of its factory workers. Second, it demonstrated that China's violation of workers' rights artificially reduces wages and production costs in China and, as a result, displaces hundreds of thousands of manufacturing jobs in the United States.

The petition also showed that workers in China are being forced to work for wages 47 to 86 percent below what they should be, often as bonded laborers, with few workplace health and safety protections and no right to join or form free trade unions. The cost advantage of this worker repression is staggering. If the Chinese government enforced workers' rights and its own minimum wage and workplace standards, manufacturing costs there would rise between 12 and 77 percent, or an average of 44 percent.

This unfair cost advantage continues to exacerbate the stunning bilateral trade deficit with China. Under the terms of Section 301, we argued that this egregious violation of workers' human rights clearly "burdens and restricts" U.S. commerce.

In the model of development embodied in section 301(d), the global integration of labor markets, capital markets, and markets in goods and services is not intrinsically a bad thing. If workers' rights are vigorously enforced, then the impoverished and underemployed—whether in China, India, Indonesia, Mexico, or the United States—may improve their standard of living and generate new domestic demand in a virtuous cycle of equitable development, while providing new markets for overseas investors and workers, including those in the United States.

If, however, the workers' rights of one-quarter of the world's workforce are radically suppressed—as they in fact are, in China—then labor conditions for the world's unskilled and semiskilled workers are worsened; domestic and global demand is depressed; excess productive capacity is created; and a path of inequitable, unsustainable development is promoted.⁵

Failure to address the systematic, egregious, and institutionalized repression of workers' rights in China costs hundreds of thousands of good jobs here, creates conditions of desperation and exploitation in China, and fundamentally alters the nature of global labor competition in the rest of the world.

The AFL–CIO's petition did not challenge China's right to compete in the global economy on the basis of low wages. It is natural for a developing country with an excess supply of poorly educated rural workers to have low wages. We fully understand that even if China fully enforced its workers' rights, the wage gap between Chinese and American workers would not disappear. But it would surely narrow. The AFL–CIO challenge was specifically targeted to the *incremental* cost advantage that comes from the brutal and undemocratic repression of workers' human rights. That increment was then and remains today illegitimate advantage under universal norms of human rights. And it is illegitimate under U.S. trade law as well.

The AFL–CIO's 301 petition sought to ensure that our government would give this issue the priority it deserves in its economic dialogue with the Chinese government.

⁵ See, e.g., Minqi Li, "Aggregate Demand, Productivity, and 'Disguised Unemployment' in the Chinese Industrial Sector," *World Development* vol. 32, no. 3 (March 2004) at pp. 409–425.

Violation of Workers' Rights Is Worsening, Not Improving

The overwhelming evidence that the Chinese government denies the workers' rights covered by the Section 301 petition in 2004 has only become stronger in the two years since the case was filed. The petition amassed evidence from the U.S. State Department, the International Labor Organization (ILO), labor unions, academics, newspaper accounts, and human rights groups. The AFL-CIO and other organizations continue to track the Chinese government's violations. Rather than showing signs of improvement, all reports indicated conditions are worsening.

While the Bush Administration conceded there were serious concerns with regard to China's workers' rights abuses, it nonetheless denied the AFL-CIO's petition. Seven months after the President rejected the AFL-CIO's first petition, the Chinese government abruptly cancelled an international conference on the monitoring of workplace conditions.

In its 2005 Annual Report, the Congressional-Executive Commission on China (CECC) concluded "the Chinese government has avoided discussions with the international labor community on Chinese workers' rights." The CECC also found in 2005 that:

"The Commission finds no improvement overall in human rights conditions in China over the past year. . . . The Chinese government does not recognize the core labor rights of freedom of association and collective bargaining. The government prohibits independent labor unions and punishes workers who attempt to establish them. Wage and pension arrears are among the most important problems that Chinese workers face . . . Chinese workers continue to struggle to collect wages and benefits because relevant agencies do not enforce the regulations. Workplace health and safety conditions are poor for millions of Chinese workers . . . Forced labor is an integral part of the Chinese administrative detention system, and child labor remains a significant problem in China, despite being prohibited by law. . . ."

Similarly, the State Department's 2004 Country Report on Human Rights in China concludes "The [Chinese] Government continued to deny internationally recognized worker rights, including freedom of association"—the identical conclusion reached in the State Department's 2003 Report.

The just-released 2005 State Department Country Report on Human Rights in China is much the same, finding that China denies basic worker rights, including freedom of association, workplace health and safety, payment of wages, rights against forced labor, and rights against trafficking in children. Peaceful labor protestors are subject to police violence, imprisonment, and torture. This report by the Administration itself concedes that these fundamental facts have not changed since the President's assertion in 2004 that he would undertake measures to remedy China's noncompliance. According to the State Department, regulations aimed at suppressing autonomous labor organizations grew harsher in 2005.

The results in the U.S. have been devastating: hundreds of thousands of lost jobs, countless bankrupt businesses and ruined communities. Unsafe and exploitative working conditions remain for uncounted Chinese workers.

Time to Act

The administration has clearly abdicated its duty to protect American workers and industry. The onus now falls upon Congress to help guide our nation to swift action. We simply cannot afford another year of inaction and empty promises. We cannot afford another year of watching working conditions in China worsen, as good jobs continue to leave the United States.

The AFL-CIO will continue to support measures to address currency manipulation, such as H.R. 1498, the bipartisan Ryan-Hunter China Currency Act of 2005; as well as S.295, the Schumer-Graham bill, which would impose a 27.5 percent tariff on Chinese goods if the Chinese government fails to revalue its currency in a timely fashion. And we will support legislation to address other illegal subsidies. Most of all we will continue to work in every forum possible to improve workers' rights in China.

The AFL-CIO remains committed to fighting for America's working families and America's manufacturing industries.

Thank you for having me here today and thank you for the important work you do.

Mr. SMITH. And Dr. Mosher.

**STATEMENT OF STEVEN MOSHER, PH.D., PRESIDENT,
POPULATION RESEARCH INSTITUTE**

Mr. MOSHER. Thank you, Mr. Chairman. I appreciate very much your holding this hearing today and allowing me to make a contribution.

I should begin, I suppose, by correcting the record. The "doctor" should come off of this placard, because we needn't go into the story, but the long arm of the People's Republic of China, which we know can reach into the United States, effectively expunged that.

I do have a longer testimony that I would like to submit for the record, but let me give a brief summary now from that.

My experience with the one-child policy goes back to the beginning. I was actually in China in 1979 when Deng Xiaoping gave a hard-line speech. Ordering senior officials throughout China to do whatever it takes to control China's population, he said, "Just do it. With the support of the Chinese Communist Party, you have nothing to fear."

Well, those marching orders given by Deng Xiaoping, were repeated by Jiang Zemin, and repeated now by Hu Jintao, Hu has endorsed this policy. So the policy very much remains in place.

The technical policy on family planning followed in 1983—it is still enforced today, too—and it requires IUDs for woman of child-bearing age with one child, requires sterilization for couples with two children. Sterilization is usually performed on the women, and it requires abortions for women pregnant without authorization.

By the mid-1980s, according to Chinese Government statistics, birth control surgeries, abortions, sterilizations and IUD insertions were averaging more than 30 million a year. Many, if not most, of these procedures were performed on women who submitted only under duress.

When this became an issue in the West—and it became an issue, in part, because of your interventions—the Chinese Government simply stopped publishing statistics. But we assume that the numbers still continue, 7 to 15 million abortions every year, 7 to 15 million sterilizations, again, most of these performed under some form of duress.

The program continues to be carried out today, 25 years later, in the face of mounting social costs and in the face of mounting psychological costs. I mean, Ms. Lee just mentioned that we now see child labor on the rise in China. Why do we see child labor on the rise in China? Because there are labor shortages now in Guangdong Province, where the policy, the one-child policy, began to be enforced in the early 1982. Besides bringing in workers from other provinces under abysmal conditions, they are now bringing children into the workforce, taking them out of schools or converting schools actually into factories. So this policy remains in place.

In presenting the program to foreigners, who can be squeamish about such things, the government officials are careful to emphasize volunteerism. In speaking to their own cadres, however, they talk very much like Deng Xiaoping did back in 1979. The only form of coercion ever condemned is the actual use of force and, even so, you still see force used in various circumstances.

There was a young mother from Hong Kong late last year who traveled to Shanghai to visit relatives. She happened to be pregnant with her third child. Local family planning officials, not realizing she was from Hong Kong, attempted to physically drag her to the abortion clinic for a forced abortion. She had her two other children with her and, in their eyes, was obviously in violation of the one-child policy.

It was only because her other relatives in Shanghai physically intervened that the family planning officials were not able to carry out a forced abortion on this woman visiting from Hong Kong, which enjoys supposedly a separate political and economic system.

So the policy and its coercive aspects still continue. Force is frowned upon, but it is never punished. Home wrecking, unlawful detention, heavily punitive fines and like measures continue to be, as they have been since the late 1970s, the whip hand of the program.

Women are psychologically and physically pressured to abort unauthorized children, to the point of being dragged, as this Hong Kong woman was, to the abortion mill. Networks of paid informants are used to report on unauthorized pregnancies. Entire villages are punished for out-of-plan births.

Officials conduct nighttime raids on couples suspected of having unauthorized children, and they keep detailed records on the sexual activity of every woman in their jurisdiction. There are prison cells with bars to detain those who resist forced abortion or sterilization.

Forced sterilization is not only used as a means of population control; it is also, we have evidence, used as punishment for men and women who disobey the rules in some way.

The emphasis today remains on taking “real action”; “effective measures” to achieve; “practical results”—that is to say, babies not being allowed to be born. In short, Deng Xiaoping’s no-holds-barred approach still dominates the program under Hu Jintao.

The Chinese Government maintains that abuses are the exception, not the rule, and that they constitute local aberrations from national policy. You can go anywhere in China today, and we have gone into different places in China, and you can find that these “aberrations,” so-called by Beijing, are in fact the rule and remain the rule today.

The Chinese program remains highly coercive, not because of local deviations from central policies, but as a direct, inevitable and intentional consequence of those same policies.

Now, let me skip here to a second point. There has been a new family planning law in place in China. It was passed on the 23rd of September 2002. This law was touted by the New China News Agency and various official representatives of the Chinese Government as being, not just a codification, but a relaxation, of the one-child policy. We think of laws in those terms, living in a democracy.

This policy, however, was not an effort to liberalize or relax the one-child policy. At home, to the Chinese people, it was explained as an effort to tighten the policy.

And here I want to quote John Aird, my long-term friend and the former head of the China branch of the U.S. Census Bureau, who did so much good work on this particular issue John, of course, tes-

tified on behalf of hundreds or thousands of asylum applicants over the years who were fleeing forced abortion, and forced sterilization.

Sadly, John is no longer with us. But let me quote from him. He said after reviewing the law that it was, “intended to increase the government’s control over child bearing in order to reduce the number of births and hold down the rate of population growth.” In other words, the law was just one more instrument to be used by the Chinese Government in its relentless war on women and their children and was part of an ongoing antipeople propaganda campaign.

That is how we should generally view laws passed by the People’s Republic of China. They are just a way of asserting another level of control, in addition to party directions, passing rubber-stamp legislation through the rubber-stamp Parliament, the People’s Congress.

The ongoing propaganda campaign, sad to say, has indeed convinced many Chinese that their principal problem is that there are too many Chinese. China’s state-controlled media has bombarded the Chinese people for a quarter century with antipeople propaganda to the point where many otherwise educated Chinese believe the party when it claims that China’s principal problem is too many people, rather than, say, the absence of democratic rule, massive official corruption, massive human rights abuses, and so on and so forth.

The Chinese are constantly told the country’s demographic situation is “grim,” that economic progress is in peril, and that even the food supply is in grave danger. It says to the people, “If only you would stop having children, we could modernize China and make it strong and powerful.”

This is the case of the victimizer, the Chinese Communist Party, blaming the victim for problems that it itself is causing. It should be seen as such. The propaganda helps to justify coercion by convincing the Chinese people that procreating couples, couples who want to welcome new life into the world, are a threat to the nation.

We have already talked about the monetary assistance for China approved by the U.N. Population Fund. The UNPF blindly refuses to see the coercion in China and still claims, 27 years after first entering China, that it is a force for good in China, and that it has made substantial progress in ending the abuses that we know continue.

A final point is this. Population control was not imposed on China by the West, but that does not absolve the West of responsibility for the one-child policy. Not only did Western-funded organizations like the UNFPA lend China their enthusiastic support for the program and still do, but vaporous 1960s ideas about population growth and resource depletion had explosive real-world consequences.

The 1974 Club of Rome study claimed that we were breeding ourselves to extinction. This study was imported into China in the late 1970s. A computer projection based on the study was done by a systems engineer and shown to Deng Xiaoping. This basically showed that China’s resources would be exhausted in a few decades and China would basically face civilizational collapse unless a one-child policy were adopted. This is why Deng Xiaoping decided, we

understand now, to adopt a one-child policy. Because there was this prestigious foreign theory of overpopulation, which had been written about in the Club of Rome report, this became the basis for his, the victim that I quoted earlier, “use whatever means you must to control China’s population, just do it.”

So, as the case of China puts in stark relief, the real danger to the people of the developing world is not overpopulation, but alarmist notions of overpopulation.

In China, the notion that people are somehow social and ecological and economic nuisances is a pernicious one. It has predisposed the PRC to treat their own citizens as a form of pollution. Instead of trying to lift their poor out of poverty, the PRC instead tries to reduce their numbers. Authentic economic development is neglected, human rights abuses abound, and everyone’s freedoms are put at risk.

We talked about the persecution of the minorities in the Uighur area in western Turkestan, and also in Tibet, yet the policy began in Xinjiang, in western Turkestan, in 1987. It actually started earlier in Tibet. It started in 1980 with forced sterilization campaigns among the Tibetans. I mention that because we do not have any Tibetan representatives here for the hearing.

Nor do we have the Falun Gong here, yet there are credible reports of Falun Gong prisoners being executed and their organs being harvested for transplants. This is a profit-driven initiative, just like the selling of baby girls in China is profit driven. I applaud couples who go to China to adopt babies, but there is no doubt that, from the perspective of the Chinese Government, these children are being sold. There is a profit to be made. That same profitability you can see in organ harvesting as well, a topic I know that Mr. Harry Wu will address shortly. Thank you.

Mr. SMITH. Thank you so much for your testimony.

[The prepared statement of Mr. Mosher follows:]

PREPARED STATEMENT OF STEVEN MOSHER, PH.D., PRESIDENT, POPULATION RESEARCH INSTITUTE

CHINA’S ONE-CHILD POLICY: TWENTY-FIVE YEARS LATER

In 1979–80, Steven Mosher became the first Western social scientist allowed to carry out fieldwork in rural China. He arrived at the beginning of the one-child policy, and documented the attendant horrors. Twenty-six years later, the policy is still firmly in place, with the Chinese government determined to continue the policy until 2050. Meanwhile, the population-control establishment has busied itself exporting elements of this cruel policy to other countries.

Li Aihai, happily married and the mother of a 2½-year-old girl, had a problem. She was four months pregnant with her second child. Sihui county family-planning officials had come to her home and told her what she already knew: She had gotten pregnant too soon. She hadn’t waited until her daughter was four years old, as Chinese law required of rural couples. The officials assured her that, because her first child had been a girl, she would eventually be allowed a second child. But they were equally insistent that she would have to abort this one. It was January 2000.¹

She pleaded that she had not intended to get pregnant. She was still wearing the IUD that they had implanted in her after the birth of her first child, as the law required. They were unsympathetic. Report to the family-planning clinic tomorrow morning, they told her. We’ll be expecting you.

Aihai had other plans. Leaving her little daughter in the care of her husband, she quietly packed her things and went to stay with relatives in a neighboring county. She would hide until she brought her baby safely into the world. Childbirth-on-the-run, it was called.

When the county family-planning officials discovered that Aihai had disappeared, they began arresting her relatives. While her father-in-law managed to escape with her daughter, her mother-in-law and brother-in-law were arrested. Her own mother and father, brother and sister, and three other relatives were also imprisoned over the next few weeks. In all, nine members of her extended family were arrested, hostages to the abortion that was being demanded of her.

But Aihai, knowing that her family supported her pregnancy, stayed in hiding. And her relatives, each refusing to tell the officials where she had gone to ground, stayed in jail.

Three months later the family-planning officials struck again. The date they chose, April 5, was an important one on the Chinese traditional calendar. It was the festival of Qingming, or "bright and clear," a day on which rural Chinese men, by ancient custom, "sweep the graves" of their ancestors. Starting with the grave of their own deceased parents, they visit in turn the graves of grandparents, great-grandparents, and ancestors even further removed. At each stop they first clean off the headstones and weed the plot, then set out a feast for the deceased, complete with bowls of rice, cups of rice liquor, and sticks of incense.

Why did the family-planning officials pick this day? Was it a further insult to the Li family, several of whom were languishing in their jail? Or was the day chosen for a very practical reason—that with most of the men and boys away in the hills feting their ancestors, the village would be half-deserted, and the officials could carry out their plan without opposition?

The officials descended on the village with a wrecking crew armed with crowbars and jackhammers. These fell upon Aihai's home like a horde of angry locusts. They shattered her living-room and bedroom furniture. They ripped window frames out of walls and doors off of hinges. Then the jackhammers began to pound, shattering the brick walls, and knocking great holes in the cement roof and floors. By the time they had completed their work of destruction, you could stand on the first floor of Aihai's home and look up through two stories and the roof to the blue sky. The wrecking crew then moved on to her parents' house, and then to her in-laws'. At day's end, three homes lay in ruins. The family-planning officials confiscated the family's livestock and poultry, and then disappeared.

Aihai remained in hiding, out of reach of the officials, for two more months. It wasn't until her child was actually born, she knew, that he would be safe. (Abortions in China are performed up to the very point of parturition, and it is not uncommon for babies to be killed by lethal injection even as they descend in the birth canal.) Only after she had given birth—to a beautiful baby boy—did she make plans to return home.

Aihai came back to find her family in prison, her home destroyed, and family-planning officials furious that she had thwarted their will. Underlying their anger was hard calculation: Every "illegal" child born in their county was a black mark on their performance, depressing annual bonuses and threatening future promotions. But family-planning officials, like most Chinese officials, have access to other sources of income. If you want your relatives released, they now told Aihai, you must pay a fine of 17,000 Renminbi (about \$2,000). Now this is a huge sum by Chinese standards, the equivalent of two or three years' income. It was many days before she was able to beg and borrow enough from family and friends to satisfy the officials' demands, and win her family's release.

No sooner had she paid one fine than she was told she owed another, if she wanted to regularize her son's status. He was currently a "black child," family-planning officials explained to her. Because he was conceived outside of the family-planning law, he did not exist in the eyes of the state. As a nonperson, he would be turned away from the government clinic if he fell ill, barred from attending a government school of any kind, and not considered for any kind of government employment later in life. He would not even be allowed to marry or start a family of his own. The government had decreed that "black children" would not be allowed to reproduce; one generation of illegals was enough. There was an out, however: If she paid another fine of 17,000 RMB, her son would be issued a national identity number, and would be treated like everyone else—almost. She would still be required to pay double fees for his school supplies.

She was not surprised when, later, she was ordered to report for sterilization. The population-control regulations were unyielding in this regard: Two children and your tubes are tied. This time she made no effort to resist. Having a second child had bankrupted her family; having a third was out of the question. Her newborn son would have no younger siblings.

Even so, Aihai considers herself far more fortunate than Ah Fang, the wife of a neighboring villager. Married at 19 to an older man in a time-honored village ceremony in front of dozens of relatives and friends, Ah Fang is considered by everyone

she knows to be his wife. Everyone, that is, but the local Communist authorities, whose unbending regulations prohibit women from marrying until they reach age 23.

When Ah Fang became pregnant there was no chance that she would be allowed to carry her child to term, even though it would have been her first. The one-child policy does not apply to couples who are, in the view of the Chinese state, merely cohabiting. For them—and for single mothers of all ages—there is a *zero-child* policy. Ah Fang was ordered to present herself at the local clinic for an abortion. She went in as instructed on September 27, 2001. She has been careful not to criticize the authorities, but her friends have been less reticent. “She wanted to keep her baby,” they complain openly, “but the law forbade it.”²

A QUARTER CENTURY OF COERCION

Such personal tragedies, far from being rare, could easily be multiplied almost beyond belief. I met many Li Aihais and Ah Fangs (the names are, of course, pseudonyms) while living in a village in Guangdong province from 1979 to 1980, and have met many in the years since. But it would be impossible to know them all. For the history of China’s 25-year experiment in “controlling reproduction under a state plan” is littered with literally tens of millions of such victims of forced abortion and forced sterilization.³

At the beginning of 1980, the Guangdong provincial government secretly ordered a 1 percent cap on population growth for the year. Local officials complied the only way they could—by launching what they called a “high tide” to terminate as many pregnancies as possible. The rule governing this high tide was simple: No woman was to be allowed to bear a second child within four years of her first, and third children were strictly forbidden. Furthermore, all women who had borne three or more children by November 1, 1979, were to be sterilized.

Over the next few weeks I became an eyewitness to every aspect of this draconian campaign. I went with young mothers to family-planning “study sessions” where they were browbeaten by senior Party officials for getting pregnant. I followed them as they were unwillingly taken under escort to the commune clinic. I watched—with the permission of local officials who were eager to demonstrate their prowess in birth control to a visiting foreigner—as they were aborted and sterilized against their will. I will never forget the pain and suffering etched on the faces of these women as their unborn children, some only days from birth, were brutally killed with poison shots and then dismembered with surgical knives.

In the 1980s, the demands of China’s family planners escalated.⁴ The one-child policy, first suggested by Deng Xiaoping in a hard-line 1979 speech, was in place nationwide by 1981. The “technical policy on family planning” followed two years later. Still in force today, the “technical policy” requires IUDs for women of child-bearing age with one child, sterilization for couples with two children (usually performed on the woman), and abortions for women pregnant without authorization. By the mid-1980s, according to Chinese government statistics, birth-control surgeries—abortions, sterilizations, and IUD insertions—were averaging more than 30 million a year. Many, if not most, of these procedures were performed on women who submitted only under duress.

The principal modification of the one-child policy occurred in the mid to late 1980s when, in response to rising rates of female infanticide, the government relaxed the policy in the countryside for couples whose first child was a girl. In some parts of China this has devolved into a *de facto* two-child policy. Some rural officials find the selective enforcement of a mixed policy—one child for couples whose first child was a boy, two children for couples whose first child was a girl—impossible to manage. Others, including the officials who run Sihui county in Guangdong province, where Li Aihai lives, are doing quite well at giving everyone two chances at a son, but no chance for two sons.

The program continues to be carried out, against the popular will, by means of a variety of coercive measures. In presenting the program to foreigners, who can be squeamish about such things, officials are careful to emphasize “voluntarism.” In speaking to their own cadres, however, the only form of coercion ever condemned is the actual use of physical force—e.g., tying down pregnant women for abortions. But while force is frowned upon, it is never punished. Home-wrecking, unlawful detention, heavily punitive fines, and like measures continue to be, as they have been from the late 1970s, the whip hand of the program. Women are psychologically and physically pressured to abort unauthorized children, to the point of being dragged to the abortion mill. Networks of paid informants are used to report on unauthorized pregnancies; entire villages are punished for out-of-plan births. Officials conduct nighttime raids on couples suspected of having unauthorized children, and they

keep detailed records on the sexual activity of every woman in their jurisdiction. There are prison cells—with bars—to detain those who resist forced abortion or sterilization. (Forced sterilization is used not only as a means of population control, but sometimes as *punishment* for men and women who disobey the rules.⁵)

The result of this systematic coercion is that millions of IUD insertions, sterilizations, and abortions continue to be performed each year. The national family-planning journal continues to issue thinly disguised injunctions to get the job done at all costs. Officials are exhorted to take “real action” and “effective measures” to achieve “practical results.” In short, Deng Xiaoping’s no-holds-barred approach still dominates the program. “Use whatever means you must to reduce the population,” China’s paramount leader ordered Party officials back in 1979. “Just do it.”⁶ They have been “just doing it” ever since.

The Chinese government maintains that abuses are the exception, not the rule, and constitute local aberrations from national policy. But when the Guangdong provincial government orders 25,000 abortions to be carried out in Huaiji County, as it did in 2001 in response to reports of laxity in the local family-planning program, this can hardly be described as a “local aberration.” The Chinese program remains highly coercive not because of local deviations from central policies but as a direct, inevitable, and intentional consequence of those policies.

And this is no secret. Articles in the Chinese media openly speak of the need for coercion in family planning, and senior officials continue to endorse the policy as currently practiced. Chinese Prime Minister Zhu Rongji, for instance, said on October 13, 1999, that “China will continue to *enforce its effective* family-planning policy in the new century in order to create a favorable environment for further development” (*italics added*). And in its *White Paper on Population*, released on December 19, 2000, China avows that it will continue the one-child policy for another 50 years. The *White Paper* actually sets a population target of 1.6 billion by the year 2050.

Chinese officials suggest to the outside world that these targets and quotas will be achieved by “education” and “persuasion,” rather than coercion and compulsion. As an example of the effectiveness of these tactics, the *White Paper* reported that women were postponing childbirth: While in 1970 they gave birth to their first child at 20.8 years of age, by 1998 they were putting off childbearing until they were almost three years older, age 23.6. But this claim is disingenuous: Women are giving birth later not because officials have gently whispered in their ears, but because they are strictly forbidden to marry until age 23, and hustled off for an abortion if they become pregnant out of wedlock. Ah Fang would have given birth at 20, had she not been ordered to terminate her pregnancy. As it is, she will be 23 or older when she has her first (and perhaps her only) child.

SUPPORT FROM THE WEST

Powerful images of China’s teeming multitudes, dating back to the time of Marco Polo, are etched deeply on Western minds. The wandering Venetian found much to admire in Cathay’s ancient civilization, but it was the sheer number of Chinese that left him astounded. Skeptical contemporaries gave him the mocking title “Il Milione” for the frequency with which he used this superlative to describe the populations of China’s cities and provinces, the numbers of her civil functionaries, and the seemingly endless ranks of her men under arms.

But Marco Polo was, in this respect, a perfectly reliable witness. The world had never seen a more populous empire than the 13th-century Yuan Dynasty. It had a population of some 110 million occupying a continent-sized territory with a standing army of a million. It dwarfed contemporaneous Western states, such as the England of Henry III, in every respect. Moreover, it had been in existence, counting dynastic interregna, for over 1,500 years. China’s population was already 60 million at the time of Christ and reached ever-greater peaks during later dynasties—80 million in the 9th-century Tang Dynasty, 110 million at the time of Marco Polo, 200 million in the 16th-century Ming, 425 million in the 19th-century Ching. Throughout these centuries, China’s large population was rightly seen as an indispensable element of its national greatness and imperial power.

But there is another, darker Western perception of China’s population, dating back to the Mongol hordes of the non-Chinese Genghis Khan, which sees them “as a faceless, impenetrable, overwhelming mass, irresistible once loosed.”⁷ And a mass, it might be added, that was thought to be feverishly multiplying. If all of the Chinese people were formed up into a column five abreast, went a cocktail riddle popular in the 1920s, how long would it take the entire column to march past a fixed point? “Forever” was taken to be the correct answer: The column would turn out to be endless, because the Chinese would simply breed faster than they marched. Or so it was wrongly supposed.⁸ The image of China’s population as a “yellow peril”

was brought vividly to life again in the 1950s, when a sea of Chinese flooded across the Yalu River into Korea, and “human wave” attacks were reported by American troops. The hyperbolic reporting of China’s “overpopulation problem” over the past 20 years arises in part from these same dark fears. In the view of the new Malthusians, China is a boiling pressure cooker of people, who at any time could explode beyond her borders in a human flood of illegal immigration—or conquest.

Western population-control advocates, therefore, welcomed China’s 1979 policy with a mixture of euphoria and relief: euphoria because the world’s most populous nation was at last getting serious about its numbers, and relief because China would now dam up its seas of people before they could inundate the world. The Westerners would roll up their sleeves and pitch in: They would help design and implement a program that would turn China, everyone’s brutish infant of overpopulation, into a poster child of family planning. China would become a model for other countries. Depressing the birth rate in China—important in itself—would in this way help to further depress birth rates worldwide. It would move the controllers at the United Nations Population Fund (UNFPA) and elsewhere that much closer to their global goal of, in the words of UNFPA Executive Director Nafis Sadik, “achieving the lowest level of population in the very shortest time.”⁹

No thought was given to China’s abysmal human-rights record, or expressed the concern that the Chinese government, in dictating how many children a couple might have, was violating parental rights. No one worried that, in enforcing the one-child policy, the government might resort to coercion, as it had done in past political campaigns. Everything—economic development, democracy, and even human rights—would have to await the taming of her numbers.

Acting as if they were afraid that the Beijing regime might change its mind, the controllers hastily began helping to fund the program. The largest grant came from the UNFPA, which would quickly become the major player in China; it ponied up a hefty \$50 million over the first five years. The International Planned Parenthood Federation (IPPF) signaled its approval with a grant of \$500,000. The money went to its Chinese affiliate—which, IPPF reported with paternal pride, “organize[s] . . . the family-planning group which will formulate the birth plans.”¹⁰ The World Bank opened up its coffers as well, and by 1996 had loaned more than \$22 billion to China.¹¹ This international largesse, as economist Jacqueline Kasun has noted, is funded in part by unsuspecting taxpayers in industrialized nations.¹²

Having underwritten the China program, population-control advocates were soon acclaiming its achievements, and even expressing approval of many of its methods. The United Nations picked 1983, a year of unusually severe coercion inside China, to present the first United Nations Population Award to the PRC. The decision was criticized in many quarters—the American Nobel Prize-winning economist, Theodore W. Schultz, immediately resigned in protest from the Population Award advisory commission—but the U.N. was undeterred. As a family-planning “high tide” ripped through the Chinese countryside, U.N. officials lauded China “for the most outstanding contribution to the awareness of population questions.” That same year, the IPPF welcomed the Chinese Family Planning Association to full membership, declaring the goals of the Chinese program entirely consistent with its own.¹³ Commendations from the World Bank and the Better World Society of Washington, D.C., followed.¹⁴ One wonders what the approximately 15 million young Chinese women who underwent abortions that year, perhaps 90 percent under coercive circumstances, thought of such accolades.

Talk of exporting the China model had already surfaced. Werner Fornos of the Population Institute, a group closely tied to the UNFPA, declared in 1982 that the Chinese program was one that “the world should copy.”¹⁵ The World Bank, in its *Development Report 1984*, insisted that “voluntary” incentives “need be no more objectionable than any other taxes or subsidies,” and went on to describe the Chinese program in laudatory terms.¹⁶

THE TRUTH COMES OUT, BUT . . .

As the 1980s progressed, the trickle of reports about coercion in China became a flood. Michele Vink wrote in the *Wall Street Journal* of women who were “handcuffed, tied with ropes or placed in pig’s baskets” for their forced trips to the abortion clinics.¹⁷ Christopher Wren reported in the *New York Times* that thousands of Chinese women were being “rounded up and forced to have abortions.” He described women “locked in detention cells or hauled before mass rallies and harangued into consenting to abortions.” He told of “vigilantes [who] abducted pregnant women on the streets and hauled them off, sometimes handcuffed or trussed, to abortion clinics,” and of “aborted babies which were . . . crying when they were born.”¹⁸ Michael Weiskopf of the *Washington Post* in 1983 published a lengthy series of articles on

the one-child policy that made vivid the human cost of the program. Elliott Abrams, then assistant secretary of state for human rights, ensured that the Chinese practice of forced abortions and sterilizations made its way into the State Department's *Country Report on Human Rights Practices*. With the press speaking openly about the "butchering, drowning, and leaving to die of female infants and the maltreating of women who have given birth to girls," little reasonable doubt could remain that China's population program was synonymous with brutality and coercion.¹⁹

For my part, I published a best-selling book on rural China called *Broken Earth*, appeared on *60 Minutes* and other television shows, and lectured around the U.S., reporting on the forced abortions and sterilizations that I had witnessed.²⁰ Many people shared my outrage; the reaction of others was strangely muted. Some in Congress and the media, I was disappointed to find, were all too ready to excuse these acts in the name of fighting overpopulation. As one of the leaders of the National Organization of Women put it to me, "I am personally opposed to forced abortion and sterilization but, after all, China does have a population problem." Others, sounding for all the world like the Chinese Communist Party officials I had interviewed, openly argued that, because China was a poor country, its people could not be allowed to have as many children as they wanted. A number even applauded the Chinese model, and wanted to use it as a blueprint for other countries. "Limiting everyone to one child, even in the U.S., is a good idea," one said to me.

What I had thought an open-and-shut case—who could defend the forced abortion of a woman eight months pregnant?—had turned out to be an open question. A wild-eyed professor at California State University at San Luis Obispo became angry with me for even suggesting the moral considerations. "Don't you see that the Chinese government *must* control childbearing under a state plan in order for China to develop!" he shouted in front of the 800 faculty and students who had gathered for my lecture. Lurking behind his utilitarian obtuseness was the misguided belief that the Chinese people in their numbers were the chief obstacle to China's prosperity.

But nothing could match the enthusiasm of the professional population-control movement. Their earlier actions in supporting the program had turned them into collaborators in the abuses that followed. But they really didn't seem to care: As long as China was "doing something" about its "overpopulation problem," they were on board. Many, like the head of the Population Council, Bernard Berelson, had long wanted to go "beyond family planning" to massive government intervention to force down fertility.²¹ Sharon Camp, then with the Population Crisis Committee, admitted that "the Chinese in many areas of China are able to put enormous pressure on a woman who is pregnant out of turn—and her family and her group—to terminate that pregnancy." But she went on to say that "I am not at all convinced that there is widespread physical coercion in the Chinese program. And yet visiting Sichuan I do have to ask myself *if they have any other choice but to implement a strong program!*" (emphasis added).²² The IPPF and its affiliates were more direct, continuing to offer fulsome praise of China's "successful" one-child policy and abstaining from any hint that this success was obtained under duress.²³

Parrotting Chinese official denials, the controllers dismissed reports of forced abortions as "local aberrations" or, more commonly, refused to acknowledge them at all. Nor were they concerned that the one-child policy ran roughshod over human rights. They rarely referred to the family-planning "high tides" that periodically gripped the country. They avoided mentioning the "mass mobilizations" in which women are rounded up against their will to have IUDs inserted, undergo abortions, or be sterilized.²⁴ They turned a blind eye to the severe punishments visited upon women who, like Li Aihai, evaded the mandatory "surgeries," and bore children without government permission.

How, after all, could they condemn China for actually *doing* what they themselves had long advocated? The Westerners had become fixated on the numbers. In 1994, Dr. Richard Cash of the Harvard School of Public Health congratulated China's State Family Planning Commission on having had "a very strong family-planning program for many years," and urged China to continue its "very good work" and not allow its "people to slip back into having larger families."²⁵ The numbers were the thing: As long as births in China were headed in the right direction—down—what did it matter how it was done?

The more criticism of the one-child policy grew, the more its foreign supporters rallied to its defense with a strange combination of threats and denial. Some warned darkly that other countries, if they could not get their birth rates down by voluntary means, would soon have to adopt compulsory family planning. Some singled out countries like India as places where the Chinese model should be adopted immediately. The denial strategy was exemplified by UNFPA head Nafis Sadik, who in 1989 informed a CBS reporter that "the implementation of the policy [in China] and the acceptance of the policy is *purely voluntary*. There is *no such thing* as, you know,

a license to have a birth and so on" (emphasis added).²⁶ It is uncertain whether Sadik actually believed this. Chinese officials are of course at pains to reassure every Western visitor that the one-child policy is "purely voluntary," but every Chinese understands that the state has assumed regulatory power over reproduction. The state-run media regularly warn couples that they are not free to have as many children as they would like, as when the Jilin provincial newspaper in October 1993 reported that, according to the provincial birth-control regulations, married couples "cannot voluntarily have children unless they obtain a child-bearing license."²⁷

When China passed its "New Family Planning Law" on 23 September 2002, Chinese population control officials and overseas apologists were at pains to reassure foreign critics that it was an effort to liberalize or relax the one-child policy. Nothing could have been further from the truth. John Aird, the former head of the China branch of the U.S. Census Bureau, testified before the Congressional-Executive Commission on China that the law was actually "intended to increase the government's control over child-bearing in order to reduce the numbers of births and hold down the rate of population growth."²⁸ The law was just another instrument to be used by the Chinese government in its relentless war on women and their children, a war that some were eager to carry overseas.

For example, in 2005 a Hong Kong pregnant mother of two visiting the Hunan Province on mainland China was recently pressured to abort her six-month-old unborn baby. According to Hong Kong's *Apple Daily*, the mother with her two young children was visiting relatives on the mainland when family planning officials came to the home and insisted she abort her unborn child. The family planning officials went so far as to try to drag the woman to a hospital, but her relatives stopped them and contacted Hong Kong government authorities who were able to explain the woman's citizenship and legal right to carry her pregnancy to term by Hong Kong law. They explained that, with its own separate political and economic system, Hong Kong is currently exempt from Chinese mainland one-child policy. ("HK saves mother, baby from forced abortion in China," *The Taipei Times*, 12 July 2005, <http://www.taipetimes.com/News/front/archives/2005/07/12/2003263164>)

EXPORTING THE CHINA MODEL

In April 1991, Sadik gushed to a Chinese reporter that "China has every reason to feel proud of and pleased with its remarkable achievements made in its family-planning policy and control of its population growth over the past 10 years. Now the country could offer its experiences and special experts to help other countries."²⁹ She added that "UNFPA is going to employ some of [China's family-planning experts] to work in other countries and popularize China's experiences in population-growth control and family planning."³⁰ This was no idle threat: When the UNFPA served as the "technical secretary" of Peru's infamous sterilization campaign a few years later, it brought in Chinese experts to, among other things, train the surgical teams in how to tie women's tubes assembly-line style.

Most governments are either unwilling or unable to bring all the childbearing in their countries under state control. One of the few exceptions is Vietnam, whose political and economic system is almost identical to that of neighboring China. Hanoi, with UNFPA assistance, has designed and is carrying out a population-control policy that relies on targets, quotas, and coercive measures virtually identical to China's to limit every couple to two children. "Communist Party members who have more than two face automatic expulsion and parents are often asked to pay the health and education costs of a third child," reports the BBC. "More serious sanctions include having land confiscated."³¹ Serious, indeed: In a peasant society like Vietnam a family's plot of land is often all that stands between it and starvation. Another consequence of the policy is that Vietnam, like China, has "one of the world's highest rates of abortion."³² Even the *Population and Development Review*, as a rule no critic of family planning, reports that "women have been forced to use IUDs and have been forced to have abortions."³³

This familiar litany of abuses has elicited nothing but praise from the UNFPA, which remains unabashedly eager to take credit for the forced reduction in fertility. According to one U.N. document, "Although government policy bears the main responsibility for this achievement, UNFPA's assistance in preparing for and supporting the policy reform provided necessary capacity and support for implementing it."³⁴ Omar Ertur, UNFPA country representative in Hanoi, praised Vietnam's National Committee for Population and Family Planning for being "very successful [in] achieving a tremendous reduction in a very short period of time."³⁵ The UNFPA honored Vietnam's population controllers with its 1999 United Nations Population Award.³⁶ The UNFPA has of late taken to running "model county" programs in Viet-

nam, a dodge that serves to insulate the organization from the charge that it is complicit in the human-rights abuses that abound in the country as a whole.³⁷

Although the Chinese model has proven difficult to export in its entirety, that hasn't deterred the UNFPA and other organizations from imposing the program piecemeal on other countries. Governments have been encouraged by these groups to adopt Chinese-style targets and quotas, bribes and punishments, organizational structures, and promotional propaganda. Where these techniques have been successfully transplanted, they have given rise to systematic coercion, even in countries generally lacking a high degree of control. All that is required for this to happen, as population expert John Aird once observed, is "a politically inert, uneducated, impoverished population and an established pattern of bureaucratic authoritarianism."³⁸ Quite a few countries in the developing world fit this description.

National Targets. Since the 1970s China has set population targets.³⁹ Following China's lead, the UNFPA and other agencies insist that governments, at a minimum, set 10- or 15-year targets for family size and total population. Targets for such things as "number and percentage of contraceptive acceptors" and "numbers and percentage of women sterilized" are also pushed. Governments reluctant to set targets have been told by the World Bank and USAID that they will not receive grants and loans until they do.⁴⁰ Targets and quotas, it should be noted, were banned by the 1994 Cairo population conference on the grounds that they always lead to abuses; this prohibition has been largely ignored.

Bribes and Punishments for Officials. To keep its millions of population-control functionaries in line, China developed what it calls the "job responsibility system." Each year, officials at each level of government pledge in writing to their superiors that they will meet their assigned birth-control targets and quotas. Those who do so receive public commendations and cash awards, and are slotted for advancement. Those who fail are publicly reprimanded and fined, and may even be demoted. Repeated failure ends in complete disgrace: loss of Party membership and dismissal from one's post. Meeting targets is thus a career-maker—or breaker. No one should be surprised when Chinese officials pressure a pregnant woman into aborting an "over-quota" child, or lock up a mother of two until she "agrees" to sterilization. China's leaders designed the "job responsibility system" to ensure precisely this outcome.⁴¹

International-aid agencies such as the World Bank and USAID often make continued assistance to developing countries contingent on their attainment of family-planning targets.⁴² National authorities, anxious over future funding prospects, then bear down on local officials, suggesting that assigned targets are to be attained by whatever means necessary. In India, this approach has led officials to compel submission to sterilization by withholding food rations, confiscating salaries, issuing strongly worded threats, and even resorting to the out-and-out use of physical force.⁴³

The Chinese practice of giving local administrators public commendations and awards for their achievements has also led to abuses in places like Bangladesh, the Philippines, Indonesia, and Vietnam. Even national goals that have been set (with foreign encouragement) "for planning purposes only" have encouraged compulsory measures when local officials have been judged on how well they met the targets.⁴⁴ Regional leaders in Indonesia may have imagined that they were only setting "planning" targets for numbers of contraceptive acceptors in their areas, but when local officials were then held responsible for maintaining them, massive abuses occurred.⁴⁵

Bribes and Punishments for Families. Heavy pressure is brought to bear directly on Chinese families: Those who go along with the one-child policy are promised that their children will have preferential access to inoculations, education, and employment. Those who break the rules are not only denied such benefits, but are threatened with heavy fines. According to regulations adopted in 1991 in Beijing municipality, the penalties for having a second child range from 5,000 to 50,000 *yuan*, and for having a third 20,000 to 100,000 *yuan*.⁴⁶ Considering that the average rural family earns less than 1,000 *yuan* a year, fines of such magnitude seem spectacularly out of proportion, until one realizes that their true purpose is to *deter* couples from continuing out-of-plan pregnancies—and to make them submit to abortions. As incomes have risen, so have the fines been escalating, having been increased again as recently as 2002.⁴⁷

Chinese-style threats and fines have been adopted in Indonesia, where in the 1980s Balinese Hindus who refused to use birth control were threatened with expulsion from their villages.⁴⁸ Even incentives can have the force of compulsion if they relate to vital necessities, as happened in Peru under dictator Alberto Fujimori⁴⁹: Poor, hungry women were told that to qualify for free food, or to receive medical

care, they must submit to sterilization. Similar abuses occurred in Bangladesh in recent years, where the Chinese model has been explicitly held up for emulation.⁵⁰

Group Pressure Tactics. The plan, the Chinese government deliberately generates “peer pressure” against potential rule-breakers by means of group rewards and punishments. Heilongjiang province, for example, bowed to peasant desires for sons (and rising rates of female infanticide) by announcing in 1988 that it would partially relax the one-child policy in the villages—but *only* if everyone cooperated. Rural couples whose first child was a boy would still have to stop at one. Couples whose first child was a girl would get a second chance at a male heir, but on one condition: There could be absolutely no unauthorized births in their village.⁵¹ Neighboring Liaoning province adopted a variant of the same policy, requiring that a village have no unauthorized births and all of its married women on birth control before it could qualify for second births. If even one illegal baby was born, all second births would be forbidden that year. The policy was said to have “strengthened group awareness” among Liaoning’s peasants.⁵² No doubt it did. The head of China’s State Family Planning Council, Ms. Peng Peiyun, praised this pressure tactic as a way of “tightening up” family-planning work, and recommended that it be implemented throughout the country.⁵³

Similar tactics are used in the cities, where the one-child policy continues to be strictly enforced. Workers in a given factory or department are denied bonuses, awards, expansion plans, and other benefits if even one of their number has an unauthorized child. Women who get pregnant outside the plan are immediately ostracized by their fellow workers and put under tremendous pressure to abort.⁵⁴ As a result, observed John Aird, in urban China compliance with the one-child rule is almost total.⁵⁵

These pressure tactics have been put to very effective use elsewhere. In India, for example, some villages have been denied access to irrigation water at subsidized prices until they came up with the required number of sterilizations.⁵⁶ A new village well was promised to another village if “100 percent of eligible couples” would undergo sterilization; after the last vasectomy was performed, the well was dug.⁵⁷ Cash payments have been offered to all families in a village if 75 percent of the men submit to vasectomy.⁵⁸

Long-Term Contraception/Sterilization. From the beginning of the one-child policy, Chinese authorities have followed an inflexible rule: Sterilize or implant an IUD in a woman after the birth of her first child; sterilize her after the birth of her second. The advantage of this method for China’s family-planning officials is obvious: They no longer have to maintain constant surveillance over all women of child-bearing age to make sure that they are not starting or concealing an unauthorized pregnancy. The government-run clinics will remove an IUD on request only if it is causing severe side-effects, and then only if the woman agrees to use another birth-control method, preferably a long-term implant like Norplant or an injectable like Depo-Provera. For a woman to remove her own IUD is defined as a criminal act. Those who wish to do so nonetheless must rely on illegal operations that often involve dangerous methods and unsanitary conditions—back-alley IUD removals, one might call them.

This component of the Chinese program has proven so successful in China that it is becoming a standard feature of family-planning programs worldwide. This shift from contraceptives, such as birth-control pills and condoms, that are controlled by the user, to more permanent measures—IUDs, sterilization, and long-term implants and injectables—more easily imposed on the user, has been underway for two decades now. The result has been a marked decrease in the freedom of women and couples in the developing world to decide for themselves the number and spacing of their children.

Women pressured into adopting such measures may change their minds later, but there is often little they can do about it, especially if the clinics refuse to reverse the sterilization or remove the IUD, or charge exorbitant fees for doing so. In Bangladesh and Haiti women suffering from acute side-effects from Norplant implants they had accepted as part of an “experimental” program were reportedly told the device could not be removed.⁵⁹ Too poor to seek alternative medical care, they had no choice but to endure their debilitating chemical sterilization until the five-year implant had run its course.

Propaganda. China’s state-controlled media have bombarded the Chinese for a quarter-century with anti-population propaganda, to the point where many otherwise educated Chinese believe the Party when it claims that China’s principal problem is too many people (rather than, say, absence of democratic rule, massive official corruption, and so on). Dissenting voices are not tolerated. In January 1994 two Chinese newspapers were reportedly punished for printing articles favoring second births and “opposing family planning.”⁶⁰

The Chinese are constantly told that the country's demographic situation is "grim," that economic progress is imperiled, and that even the food supply is in grave danger because of excessive population growth.⁶¹ The government propaganda machine doesn't just focus on the long term; it insists that even failing to meet *current* targets will mean social and economic ruin. This propaganda helps to justify coercion, by convincing the Chinese people that procreating couples are a threat to the nation.

But one-sided propaganda does not require a controlled press: In much of the world, all it requires is money. Even in democratic countries, including the U.S., media discussion of population problems is dominated by the deep pockets of the anti-population movement. Literally tens of millions of dollars are spent each year to convince the world's press—and through them the world's people—of the gravity of the "population crisis." The UNFPA alone devotes approximately \$25 million, or 10 percent of its quarter-billion-dollar budget, to conjuring up specters of catastrophe.

THE UNFPA AND TODAY'S CHINA

The population controllers' symbiotic relationship with Chinese-style family planning continues. Thoraya Ahmed Obaid, executive director of the UNFPA, told a PRC journalist in January 2002 that "China, having adopted practical measures in accordance with her current situation, has scored remarkable achievements in population control. In recent years, the UNFPA and China have carried out a series of favorable and positive cooperation with more than 100 cooperative items of assistance established in the country."⁶²

The most curious development occurred in 1998, when the UNFPA announced that it had been invited by the Chinese government to set up "model family-planning programs" in 32 of China's counties, or county-level municipalities. Nafis Sadik, then-director of UNFPA, let it be known that the Chinese government had agreed to suspend the one-child policy during the next four years. In her words, "In the project counties couples will be allowed to have as many children as they want, whenever they want, without requiring birth permits or being subject to quotas."⁶³ In a subsequent letter to the U.S. Congress, Sadik was even more specific. Within the UNFPA's 32 model counties, she said, "(1) reproductive health programs are fully voluntary; (2) women are free to voluntarily select the timing and spacing of their pregnancies; (3) targets and quotas have been lifted; (4) abortion is not promoted as a method of family planning; (5) coercion does not exist."

Although Sadik's claim to have set up a "no-coercion zone" in China was later to be proved false by investigators from the Population Research Institute or PRI (an organization of which I am president), it was by itself a remarkable, if backhanded, admission of the real state of affairs in China. For up to that point it had been the steadfast position of the Chinese government—maintained also by the UNFPA—that the one-child policy neither relied upon birth quotas and targets, nor required parents to obtain a birth permit before having a child. Anyway, why would the Chinese government abandon controls that had successfully driven down the birth rate for two decades?

The UNFPA sought to explain: "The Government of China is keen to move away from its *administrative approach* to family planning to an integrated, client-centered reproductive health approach" (italics added).⁶⁴ But the Chinese government did not need to be convinced, by the UNFPA or anyone else, of the value of replacing direct coercion with the more subtle forms of threats, bribes, and propaganda that population controllers commonly employ to stop Third World families from having children. Senior Chinese family-planning officials have always urged their juniors to employ such techniques to meet their quotas, reserving forced abortions and forced sterilizations for the truly recalcitrant.

We at the PRI suspected that UNFPA's claims to have de-fanged China's family-planning program were exaggerated. So, in September 2001, we organized a team of investigators, led by paralegal Josephine Guy, to go undercover into an UNFPA "model county." After four days in Sihui county, Guangdong province, Ms. Guy reported back that people had flocked to tell her about the abuse that they and their families had suffered as a result of still-coercive family-planning policies. As she was later to testify before the International Relations Committee of the U.S. House of Representatives:

We were told of efforts by many women to hide their pregnancies from government officials, in an attempt to escape forced abortion, so they could give birth to a child they desired. We were told of women having to hide their children, to escape retribution from officials for not having an abortion. We were told of the many so-called "black" children in the region who are born out of ac-

cord with local birth regulations. We were told of the punishments inflicted on those who wish to freely determine for themselves the timing and spacing of pregnancy.

We were told of the non-voluntary use of IUDs and mandatory examinations so that officials can ensure that women have not removed IUDs in violation of policy, and the strict punishments which result from non-compliance with this coercive and inhumane policy. . . . The interviews we conducted were recorded in notebooks, on audio and videotape, and additional photographic evidence was obtained. The abuses we documented during this investigation are recent, ongoing, rampant, and unrelenting. And they exist in a county where the United Nations Population Fund claims that women are free to determine the timing and spacing of pregnancy.

At a location not far from [the UNFPA office], a woman testified that she became pregnant despite an earlier attempt by family-planning officials to forcibly sterilize her. That attempt failed. She became pregnant, and was forcibly sterilized a second time by family-planning doctors and officials. Had she refused, she told us on videotape, family-planning crews would have torn her house down.⁶⁵

Everyone Josephine Guy spoke with had a story to tell—a sister who had been sterilized, a friend who had undergone a coerced abortion. There is no voluntarism in Sihui, she concluded, despite UNFPA claims to the contrary.

On her last day in Sihui, Ms. Guy and her team set out to locate the office from which the UNFPA directs its “model family-planning program.” To her surprise, she was directed to the Sihui county family-planning office, where she found the single UNFPA representative sitting in the midst of government family planners. The significance of this arrangement was immediately apparent: The Chinese government and the UNFPA were working hand-in-glove to enforce the one-child policy. As one family-planning victim told Ms. Guy, “Family-planning policies involving coercion and force are stricter today than ever before.”⁶⁶

The PRI’s investigation prompted the Bush administration to undertake one of its own, sending a three-member assessment team to China in May 2002. The official nature of the visit constituted a tremendous handicap for the team: It ensured that the Chinese state was able to monitor their comings and goings and to prevent them from coming into direct contact with cases of coercion. Nonetheless, the team found that UNFPA was supplying computers and medical equipment to family-planning agencies engaged in coercive practices.⁶⁷ On July 21, 2002, Secretary of State Colin Powell announced a new policy: “UNFPA’s support of, and involvement in, China’s population-planning activities allows the Chinese government to implement more effectively its program of coercive abortion. Therefore, it is not permissible to continue funding UNFPA at this time.”⁶⁸ The \$34 million appropriated by Congress for FY 2002, he continued, will go instead to Child Survival and Health programs.

Powell called on the UNFPA to stop “support[ing] a program of coercive abortion,” but the agency appears ready to persevere: It reacted to the cutoff of U.S. funding by *expanding* its program in China from 32 to 42 counties. The new, multi-million dollar agreement with China will carry through 2007.

The decision of the Bush Administration to deny funding to the UNFPA has been reaffirmed in the years since, even as the population control movement continues its efforts in Congress to overturn the President’s decision. In 2005 Rep. Carolyn Maloney (D-N.Y.) once again introduced an amendment in the House of Representatives that would have restored the \$34 million in UNFPA funding, only to have it go down to defeat on a 233 to 192 vote.⁶⁹ This was a much larger margin than the tiny three- to five-vote victories of recent years, suggesting that even a few nominally pro-choice members of the Congress are coming around to the view that Chinese women should have the right to choose to bear children.

MORE MONEY FOR CHINA APPROVED BY UNFPA

On January 30, 2006, the New York-based Executive Board of the United Nations Population Fund (UNFPA) approved, as UNFPA itself put it, “the sixth UNFPA programme of assistance to China, totaling \$27 million over five years. As they did so, board members and other United Nations countries praised UNFPA as a ‘force for good’ that promotes and protects human rights, implicitly repudiating a claim that the Fund abets coercive practices.” That last clause refers to the Bush Administration, which has withheld American money from UNFPA because of its assistance to the Chinese population control effort. In China, women and their husbands are severely penalized for having more than their quota of one or two children. UNFPA officials do not directly engage in the forced abortion and sterilization practices of

the Chinese regime, but subsidize them with its financial and technical assistance to Chinese population control bureaucrats.

Ten European countries led by Britain issued a strong statement of support for UNFPA. These nations provide most of UNFPA funding. Britain, Norway, Denmark, Sweden, Finland, the Netherlands, France, Belgium, Switzerland and Germany signed the joint statement. UNFPA has long claimed that coercive practices have lessened in the areas of China where it operates, but a September 2001 PRI investigation found that forcible coercion continues in the same counties in which UNFPA works.

UNFPA STOPS COERCION?

How hard UNFPA tries to end coercion is questionable. UNFPA money flows to China without any public strings attached. Even a Dec. 15, 2005 article by UNFPA itself raises questions about what coercive practices UNFPA opposes in any case.

"Lifting birth-spacing rules is an important step towards a fully voluntary approach to pregnancy decisions," said UNFPA Representative Siri Tellier in the article, which praised an end to birth-spacing regulations in Hainan Province and the subgroup of penalties that went with them. "Around 40% of penalties involve cases of birth spacing, so eliminating that requirement is significant. However, it goes only part way to meeting international human rights standards. We would like China to eliminate any economic penalties for out-of-plan births." The article discussed the difficulties poor families faced in paying the astronomical fines levied on them for violation of their birth mandates.

It seems curious that he would say "economic penalties" instead of "all penalties" or something to that effect. Third World governments practice various kinds of coercion, from fines to denial of education benefits to ineligibility for government jobs to loss of employment altogether, to keep couples from having as many children as they would like. China employs all of these methods plus simply rounding women up by the thousands and forcibly sterilizing them, which is not an economic penalty (for examples, see *Time* magazine, "Enemies of the State?," Sep. 19, 2005).

Hu Daji, Deputy Director of the Hainan Population and Family Planning Bureau, told UNFPA that guaranteeing women's rights was a goal, but it has to be pursued alongside another one. "Our challenge is to not have more births and to protect clients' rights," he said. The order of his priorities is revealing: Control comes first.

BAD IDEAS IN THE WEST; LIFE AND DEATH IN CHINA

Population control was not imposed on China by the West, as it was imposed on smaller, weaker countries—but that doesn't absolve the West of all responsibility for the one-child policy and its attendant abuses. Not only did Western-funded organizations like the UNFPA lend China their enthusiastic support but, as recent research by Susan Greenhalgh and others makes clear, the intellectual impetus for the policy came from the West.⁷⁰ Vaporous Sixties ideas about population growth and resource depletion had explosive real-world consequences, a decade later and half a world away. The core ideas underlying the one-child policy, it turns out, came from Western "science," more precisely from the notorious 1974 Club of Rome study that claimed we were breeding ourselves to extinction.

The *Limits to Growth* computer simulation, carried out by a group of MIT-based systems engineers, predicted that the world would come to an end by about 2070 if population growth continued.⁷¹ The authors saw "no other avenue to survival" than population control, which was "the only feasible solution."⁷² The book's conclusions lent themselves to hype, which, it turned out, was precisely what the Club of Rome wanted. A public-relations firm was hired, a press conference was organized, and the book was released with great fanfare. Scary stories sell, and this one sold a frightening 4 million copies, injecting the book indelibly into the world's consciousness.

The stage was now set for Song Jian, a systems-control specialist for China's state-owned defense industry, to visit Europe in 1978. He might as well have come from another planet. Like other Chinese intellectuals, he had been isolated from the outside world for decades, and was desperately eager to catch up on developments. During his trip, as he later wrote, he "happened to learn about the application of systems-analysis theory by European scientists to the study of population problems with a great success. For instance, in a 'Blueprint for Survival' published in 1972, British scientists contended that Britain's population of 56 million had greatly exceed[ed] the sustaining capacity of [the] ecosystem of the Kingdom. They argued Britain's population should be gradually reduced to 30 million, namely, a reduction by nearly 50 percent . . . I was extremely excited about these documents and determined to try the method of demography."⁷³ He had been to the future, or so he

thought. In his baggage when he returned to China was a copy of *The Limits to Growth*.

Although Song Jian had no way of knowing it, what he thought was cutting-edge systems analysis was little more than a scientific hoax. The data were incomplete and sometimes inaccurate, its methodology was flawed, and it assumed—wrongly—that scientific and technical advances would cease.⁷⁴ In the words of legendary demographer Julian Simon, “*The Limits to Growth* has been blasted as foolishness or fraud by almost every economist who has read it closely or reviewed it in print.”⁷⁵ The most decisive refutation of the study came from the Club of Rome itself, which—two years after its publication—suddenly “reversed its position” and “came out for more growth.”⁷⁶

But the damage was done. In Song Jian, they had captured their most important convert ever: Through him, their little caper had an impact on the lives of over a billion people—and continues to do so down today. Borrowing the strident rhetoric of the Club of Rome report, Song Jian popularized the notion of a world in crisis: “Facing the rapid increase in population, countries everywhere are watching developments with grave concern.”⁷⁷ And he drew the same conclusion: “The capacity of the land . . . does not permit excessive increases in population. This is quite obvious.”⁷⁸ He reinforced his rhetoric with eye-catching charts showing China’s population remaining low for 4,000 years, then exploding to a terrifying 1 billion by 1980.⁷⁹ No mention was made of recent, dramatic declines in the birth rate.⁸⁰

Other experts jumped into the debate, arguing that China’s economy was collapsing under the weight of its population. Population growth was said to be responsible for every conceivable economic ill, from rising levels of unemployment and poverty to falling levels of labor productivity and investment. China, it seemed, faced a population crisis of enormous proportions which, if left unchecked, would shatter any hope of ever joining the ranks of the developed nations. Nothing less was at stake than the country’s drive for wealth and global power, warned Vice Premier Chen Muhua in the pages of the *People’s Daily*: “In order to realize the Four Modernizations, we must control population growth in a planned way.”⁸¹

The Chinese leadership was ripe for a radical solution; after all, the nation’s future was at stake. And Song Jian, armed with a computer simulation right out of the pages of *The Limits to Growth*, offered one.

After returning from Europe, Song set out to replicate the systems-analysis studies he had stumbled across in Europe, this time with China as the subject. He formed a research group: himself, two other systems-control specialists, and an economist. Using newly available computer technology, the group first set out to calculate China’s “optimal” population in the year 2080. Making the same kinds of highly questionable assumptions as their Club of Rome mentors, using data that were even more fragmentary, they calculated that the optimal population in 2080 would be between 650 and 700 million people. This figure, which was roughly two-thirds of China’s 1980 population, they proposed as the goal of any birth-control program.⁸² China’s “only choice” was to reduce the population down to this level, Song maintained, borrowing the *Limits* language. There was simply “no other way,” “no other choice.”⁸³

In order to determine the level of fertility control necessary to reach this goal, the group next projected future population growth under different childbearing schemes: 3.0, 2.3, 2.0, 1.5, 1.0. The first three they rejected out of hand. If the people were allowed to continue to bear children at the 1978 rate—2.3—they calculated that the population would grow to 2.12 billion in 2080. Even if the rate were forced down to 2.0, there would still be 1.47 billion Chinese alive after a century. These schemes “obviously cannot be adopted,” they said. The seriousness of the population crisis required sterner measures. Limiting women to an average of 1.5 children produced the kind of population reduction they were looking for. Under this scenario, the number of Chinese would decline to 777 million by 2080, within striking distance of their “optimum population” of 650–700 million. Under their final scenario, in which every couple would be limited to one child by 1985, the population would plummet to only 370 million, well below the optimum.⁸⁴

The Song group was well-connected, and soon after completing their computer simulations they were able to present them to top Communist Party and government leaders. These were reportedly “very impressed with the science and the numbers.”⁸⁵ As well they might be: The presentation by the Song group confirmed one of their most cherished beliefs, namely, that Western science and technology, appropriately applied to the Chinese context, would be the salvation of their nation. As Greenhalgh writes, “The attitude towards everything foreign was close to idolatry. This was to have fateful consequences, as Western ‘science’—at least one odd brand of it—became the core of Chinese policy.”⁸⁶

The computer simulation presented by the Song group—perhaps the first that senior leaders had ever seen—must have been greeted with not only awe but relief. Here was welcome confirmation that “overpopulation,” rather than, say, economic mismanagement or political turmoil, was the true source of China’s backwardness. And not only had the Song group used Western “science” to identify the problem, it had used those same techniques to devise a plan to save China. Scientific and technological modernization, named by Paramount Leader Deng Xiaoping the most important of his Four Modernizations, was paying off. How proud they must have been that their own experts, using the latest in Western “science,” had so precisely calculated China’s “optimum population.” That Song’s group was even able to offer precise advice on fertility levels and future population numbers was an added bonus. The leadership had few qualms about regulating the fertility of its subjects—it had done worse over the previous three decades—but Song’s insistence that Western “science” left them “no other choice” made the decision easy.

The only question was whether to adopt the 1.5-child-per-family policy preferred by the Song group, or to impose an even more restrictive one-child-per-family policy. The leadership in the end rejected the 1.5-children option, apparently fearing that the peasants would then push for two or more.⁸⁷ When Song’s study was published in the official Party organ, the *People’s Daily*, on March 7, 1980, it was edited to read that the 1.5-child-per-family policy would be “disadvantageous to our country’s four modernizations . . . and to the raising of the people’s standard of living.” The one-child-per-couple policy, which results in a population much smaller than the supposed optimum, was described as “a comparatively ideal scheme for solving our country’s population problem.”⁸⁸

Publication in the *People’s Daily* meant that the policy had received the imprimatur of the Communist Party and was therefore beyond further discussion and debate. Six months later, in mid-September 1980, the one-child policy was formally ratified by the third session of the Fifth National People’s Congress. From then on it was set in stone. On this terrible altar millions of mothers and children have suffered and died, sacrificed for a scientific fraud.

As the case of China puts in stark relief, the real danger to the people of the developing world is not “overpopulation” at all, but rather alarmist notions of overpopulation. The notion that people are somehow social, ecological, and economic nuisances is a pernicious one, predisposing governments to treat their own citizens as a form of pestilence. Instead of trying to lift their poor out of poverty, governments instead try to reduce their numbers. Authentic economic development is neglected, human-rights abuses abound, and everyone’s freedoms are put at risk. Population control encourages domestic tyranny of a very personal and deadly sort, as the case of China makes painfully clear.

NOTES

¹ Josephine Guy, “Story of a Beautiful Baby Boy,” *PRI Review* 11:4 (Sept.–Oct. 2001), pp. 8–9.

² Quoted in Josephine Guy, “Women and Child Abuse in China,” *PRI Review* 11:4 (Sept.–Oct. 2001), p. 3.

³ The quote comes from Vice Premier Chen Muhua, who said in 1979 that “Socialism should make it possible to regulate the reproduction of human beings so that population growth keeps in step with the growth of material production.” Quoted in my *Broken Earth: The Rural Chinese* (New York: Free Press, 1983), p. 246.

⁴ I have made periodic trips into China to assess family-planning policies, have commissioned others to undertake such investigations, and have closely followed both official Chinese pronouncements and reports appearing in the specialized literature and the population press.

⁵ See the testimony of Gao Xiaoduan, who, as a senior population-control official in Fujian province, had systematically committed these and other abuses of human rights with the encouragement and support of her superiors. Following her escape from China, Mrs. Gao was invited by Rep. Christopher Smith (R–N.J.) to testify before the Subcommittee on International Operations and Human Rights of the International Relations Committee. Gao Xiaoduan, “Forced Abortion and Sterilization in China: The View from the Inside,” Subcommittee on International Operations and Human Rights, June 10, 1998. Also see my book, *A Mother’s Ordeal: One Woman’s Fight Against China’s One-Child Policy* (New York: Harcourt Brace, 1993), for similar abuses.

⁶ John Aird, *Slaughter of the Innocents: Coercive Birth Control in China* (Washington, D.C.: American Enterprise Institute Press, 1990), p. 92.

⁷ Harold R. Isaacs, *Scratches on Our Minds: American Images of China and India* (New York: John Day, 1958), pp. 63–64. Also quoted in my *China Misperceived: American Illusions and Chinese Reality* (New York: Basic Books, 1990), pp. 18–19.

⁸ If the column was advancing at the rate of 2 miles per hour, and each five abreast were separated by 4, then 13,200 marchers would pass under the arch in one hour. Given that the Chinese population is roughly 100,000 times this number, it would take 100,000 hours, or roughly 10 years, for all of the Chinese to march under the arch. An additional year or so would be required for the 100,000,000 million or so babies born during this decade to themselves clear the arch, for a total of 11 years.

- ⁹The remark is quoted in Nicholas Eberstadt, "UNFPA: A Runaway Agency," *PRI Review* 12:3 (May–June 2002), p. 8.
- ¹⁰International Planned Parenthood Federation, *IPPF in Action* (London: Typographic Press, 1982), p. 20. Quoted in Jacqueline Kasun, *The War Against Population: The Ideology and Economics of World Population Control* (San Francisco: Ignatius Press, Revised Edition, 1999), p. 122.
- ¹¹Bryan T. Johnson, "The World Bank and Economic Growth: 50 Years of Failure" (Washington, D.C: The Heritage Foundation, May 16, 1996), based on World Bank figures. Quoted in Kasun, *War*, p. 122.
- ¹²Kasun, *War*, p. 122.
- ¹³"Guojia jihua shengyu lianhehui Wu Kunhuang he Aluweihaiher zhuren shuo: renmin xuanze Zhongguo de jihua shengyu shi renmin zijide xuanze" ("President Ng Khoon-Fong and Director Aluvihare of the International Planned Parenthood Federation say that China's family planning program is the people's own choice"), *Jiankang bao* (*Health Gazette*), Beijing, Apr. 18, 1983, p. 1; and "Family planning measures hopeful," *China Daily*, Beijing, May 4, 1983, p. 3. Cited in John Aird, "The China Model," *PRI Review* 4:4 (July–August 1994), p. 1.
- ¹⁴Kasun, *War*, p. 122.
- ¹⁵"China Daily wins global media award," *China Daily*, Beijing, Mar. 16, 1982, p. 3. Cited in John Aird, "The China Model," *PRI Review* 4:4 (July–Aug. 1994), p. 1.
- ¹⁶The World Bank, *World Development Report 1984*, p. 160. Quoted in Kasun, *War*, p. 124.
- ¹⁷Michele Vink, "Abortion and Birth Control in Canton, China," *Wall Street Journal*, Nov. 30, 1981.
- ¹⁸Christopher Wren, "Chinese Region Showing Resistance to National Goals for Birth Control," *New York Times*, May 16, 1982.
- ¹⁹See my "Why are Baby Girls Being Killed in China?" *Wall Street Journal*, Nov. 30, 1981.
- ²⁰See, inter alia, my *Broken Earth*, esp. Chapter 8; Michael Weiskopf, "Abortion Tears Fabric of Chinese Society," *Washington Post*, January 7, 1985.
- ²¹Burleson, who headed the Population Council from 1960 to 1974, thought the population crisis so severe that "forced-pace measures" were necessary. In his article "Beyond Family Planning," he proposed that massive government intervention was the only answer. See *PRI Review* 4:5 (Sept.–Oct., 1994), p. 11.
- ²²Sharon Camp, on the Diane Rehm Show, WAMU, Dec. 13, 1991. See also "Population Crisis Committee OK's Coercion," *PRI Review* 2(2):10 (Mar.–Apr. 1992).
- ²³The IPPF affiliate is the Japanese Organization for International Cooperation in Family Planning (JOICFP), which publishes *JOICFP News*, Aug. 2000, Sept. 2000.
- ²⁴John Aird, "The China Model," *PRI Review* 4:4 (July–Aug. 1994), p. 1.
- ²⁵See "A Peoples' Project in China," *JOICFP News*, no. 234, Dec. 1994, p. 6, as quoted in the *PRI Review* 4:2 (Mar.–Apr. 1994), p. 7.
- ²⁶Quoted in Christopher Smith, "Judging a Civilization," *PRI Review* 11:4 (Sept.–Oct. 2001), p. 8.
- ²⁷"Several regulations of Jilin province for the administration and management of family planning," *Jilin Ribao*, Changchun, Oct. 29, 1993, Joint Publications Research Service, no. 94010, Feb. 10, 1994, pp. 19–20. Cited in John Aird, "The China Model," *PRI Review* 4:4 (July–Aug. 1994), p. 3.
- ²⁸See Steven W. Mosher, "John Aird, China Demographer and Critic, R.I.P.," *PRI Review* 15(5): 3–4.
- ²⁹XINHUA-English, Beijing, Apr. 11, 1991, Foreign Broadcast Information Service (FBIS), *Daily Report: China*, no. 91–071, April 12, 1991, pp. 8–9; see also John Aird, "The China Model," *PRI Review* 4:4 (July–Aug. 1994), p. 1.
- ³⁰Although Sadik did not know it at the time, the same month that she endorsed the Chinese model, Party leaders had ordered a new crackdown on out-of-plan births. Family-planning officials throughout the country resorted to more direct forms of coercion, and the Chinese birth rate plummeted to unprecedentedly low levels. News of the crackdown finally broke in April 1993, embarrassing the UNFPA and other foreign supporters of China's "voluntary" program. Sadik, eager for the U.S. to resume funding her organization, aired the possibility of withdrawing from China. When the newly installed Clinton administration proved willing to resume U.S. funding of the UNFPA in spite of its involvement in China's coercive program, all talk of withdrawal was dropped. See Nicholas D. Kristof, "A U.N. agency may leave China over coercive birth control," *New York Times*, May 15, 1993, p. 1.
- ³¹Owen Bennett-Jones, "Vietnam's Two-Child Policy," BBC, 8 November 2000.
- ³²"Vietnam Plans Law to Ban Tests on Sex of Fetus," Reuters, 16 November 2001.
- ³³Daniel Goodkind, "Vietnam's New Fertility Policy," *Population and Development Review* 15(1), March 1989.
- ³⁴"Capacity Building for Eradicating Poverty, an Impact Evaluation of U.N. System Activities in Vietnam 1985–1997." U.N. Fund for Population Activities. Cited in Douglas A. Sylva, "The UNFPA: Assault on the World's Peoples," (New York: Catholic Family and Human Rights Institute, 2002), p. 51.
- ³⁵Owen Bennett-Jones, "Vietnam's Two-Child Policy," BBC, 8 November 2000.
- ³⁶Douglas A. Sylva, "The UNFPA: Assault on the World's Peoples," (New York: Catholic Family and Human Rights Institute, 2002), p. 51.
- ³⁷See Weekly Briefing on UNFPA's "model county" program in Vietnam.
- ³⁸John Aird, "The China Model," *PRI Review* 4:4 (July–Aug. 1994), p. 2.
- ³⁹Ibid.
- ⁴⁰Also see Betsy Hartmann, "Population Control as Foreign Policy," *Covert Action* 39 (Winter 1991–92), p. 28.
- ⁴¹For example, according to Article 4 of the *Tianjin Municipality Regulations of Planned Birth*, which were promulgated on April 15, 1994, this major city in North China holds the heads of work units "duty-bound, authorized, and accountable" for meeting birth quotas set by

their superiors. Xinnanliuxing Village of Dongpuhua Township in Wuqing County, Tianjin, which has a population of 500, is allowed a quota of 5 children every two years. As human-rights activist Harry Wu comments, "If [officials] fail to [meet their quotas], they will lose their promotions and risk dismissal or punishment. This is the principal reason why Communist cadres at all levels resort to desperate, barbaric practices of forcing abortion and sterilization, and killing infants. Such a practice relates directly to the security of their jobs." See Harry Wu, "China's population policy," *PRI Review* 11:4 (Sept.–Oct. 2001), p. 7.

⁴² Also see Betsy Hartmann, "Population Control as Foreign Policy," *Covert Action* 39 (Winter 1991–92), p. 28.

⁴³ John Aird, "The China Model," *PRI Review* 4:4 (July–Aug. 1994), p. 2.

⁴⁴ Donald P. Warwick, *Bitter Pills: Population Policies and Their Implementation in Eight Developing Countries* (Cambridge: Cambridge University Press, 1982), pp. 203–204; Margot Cohen, "Success brings new problems," *Far Eastern Economic Review*, Hong Kong, April 18, 1991, pp. 48–49; Wardah Hafidz, Adrina Taslim, and Sita Aripurnami, "Family planning in Indonesia: the case for policy reorientation," *Inside Indonesia*, Mar. 1992, pp. 19–22; and Judith Banister, "Vietnam's evolving population policies," *International Conference on Population, New Delhi, September 1989* (Liege: International Union for the Scientific Study of Population, 1989) pp. 156–60.

⁴⁵ See Betsy Hartmann, *Reproductive Rights and Wrongs* (Boston: South End Press, 1995), esp. pp. 73–83.

⁴⁶ Cited in Tao-tai Hsia and Constance A. Johnson, "Recent legal developments in China's planned births campaign" (unpublished memorandum), July 9, 1991, p. 2. Beijing municipality includes extensive rural areas and populations. Quoted in John Aird, "The China Model," *PRI Review* 4:4 (July–Aug. 1994), p. 3.

⁴⁷ Damion McElroy, "China's One-Child Policy Fines Rise," *London Telegraph*, July 27, 2002.

⁴⁸ Donald P. Warwick, "The Ethics of Population Control," in Godfrey Roberts (ed.), *Population Policy: Contemporary Issues* (New York: Praeger, 1990), p. 26.

⁴⁹ See David Morrison, "Cutting the Poor: Peruvian Sterilization Program Targets Society's Weakest," *PRI Review* 7(2): 1, 4–7.

⁵⁰ In December 1991 the president of Bangladesh, welcoming a family-planning delegation from China headed by Peng Peiyun, the Minister of China's State Family Planning Commission, praised China's success in population control and expressed the hope that Bangladesh and China could learn from each other's experiences. XINHUA-English, Beijing, Dec. 9, 1991, FBIS, no. 910237, Dec. 10, 1991, p. 20.

⁵¹ Harbin Radio, Heilongjiang Provincial Service, Apr. 20, 1988, FBIS, No. 88–82, Apr. 28, 1988; Meng Fang and Chen Fenglan, "Heilongjiang sheng kaizhan cang wu jihua wai shengyu cun houdong qude chengxiao" (Heilongjiang Province carries out activities to create villages with no unplanned births and obtains results), *Zhongguo renkou bao* (China Population)(ZGRKB), Beijing, 7 October 1988, p. 2. Quoted in John Aird, "The China Model," *PRI Review* 4:4 (July–Aug. 1994), p. 13, fn 25.

⁵² Yin Su and Li Zheng, "Liaoning Kaizhan cangjian 'jihua shengyu hege cun' quanmian quanche jihua shengyu xianxing zhengce" ("Liaoning carries out activities for establishing 'qualified family planning villages' and implements the current family-planning policy fully"), ZGRKB, Sept. 30, 1988, p. 1. Quoted in John Aird, "The China Model," *PRI Review* 4:4 (July–Aug. 1994), p. 3.

⁵³ Peng Peiyun, "Guanyu 1989-nian de gongzuo" ("On the work in 1989"), ZGRKB, Feb. 24, 1989, p. 1. Quoted in John Aird, "The China Model," *PRI Review* 4:4 (July–Aug. 1994), p. 3.

⁵⁴ See, for example, the description of the policy in a letter from a Chinese factory manager to a Chinese employee studying in the U.S. who had an unauthorized pregnancy, quoted in my article, "The long arm of 'one-child' China," *Washington Post*, Apr. 10, 1998, p. B4. See also my *A Mother's Ordeal*.

⁵⁵ John Aird, "The China Model," *PRI Review* 4:4 (July–Aug. 1994), p. 3.

⁵⁶ Donald P. Warwick, *Bitter Pills: Population Policies and Their Implementation in Eight Developing Countries* (Cambridge: Cambridge University Press, 1982), pp. 197–98.

⁵⁷ Robert M. Veatch, "Governmental Population Incentives: Ethical Issues at Stake," *Studies in Family Planning* 8:4 (Apr. 1977), pp. 100–108, quoted in Kasun, *War*, p. 111.

⁵⁸ *Ibid.*

⁵⁹ UBINIG, "The price of Norplant is TK.2000! You cannot remove it," *Issues in Reproductive and Genetic Engineering* 4:1 (1991), p. 46. Cited in Aird, "The China Model," *PRI Review* 4:4 (July–Aug. 1994), p. 4.

⁶⁰ "Propaganda department tightens control on press," *Ming bao*, Hong Kong, 15 January 1994, FBIS, no. 94–011, Jan. 18, 1994, p. 17.

⁶¹ These arguments are still being advanced despite the continuing fast growth of the Chinese economy. China's grain production is reported to have increased by 50 percent between 1979 and 1993, while the population grew by less than 22 percent. The grain figures are given in XINHUA-English, Beijing, Sept. 16, 1993, FBIS, no. 94–027, p. 37.

⁶² *People's Daily*, Mar. 2001, quoted in Christopher Smith, "Judging a Civilization," *PRI Review* 11:4 (Sept.–Oct. 2001), p. 8.

⁶³ Letter from Nafis Sadik to Bill Richardson dated Jan. 7, 1998, and quoted in "Aiding a Holocaust: New UNFPA Program Designed to Tidy Up One-Child Horror," *PRI Review* 7:2 (Mar.–Apr. 1998), p. 14. The UNFPA's Founding Charter says that "couples have the rights to decide the number and spacing of their children." Given that China has from the inception of the one-child policy denied that right, the only honorable course of action for the UNFPA is to withdraw from China—but that it refuses to do.

⁶⁴ Kirsten Trone, the UNFPA program director for China, quoted in "Aiding a Holocaust: New UNFPA Program Designed to Tidy Up One-Child Horror," *PRI Review* 7:2 (Mar.–Apr. 1998), p. 14.

⁶⁵Josephine Guy, "Women and Child Abuse in China," Testimony before the Committee on International Relations of the U.S. House of Representatives, Oct. 17, 2001. See also *PRI Review* 11:4 (Sept.–Oct. 2001), p. 3.

⁶⁶*Ibid.*

⁶⁷"Analysis of Determination that Kemp-Kasten Amendment Precludes Further Funding to UNFPA under Pub. Law 107–115," attachment to letter from Secretary Colin Powell to Patrick J. Leahy, Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate, July 21, 2002.

⁶⁸Letter from Secretary Colin Powell to Sen. Leahy, July 21, 2002.

⁶⁹Joseph A. D'Agostino, "Human Rights Triumphs Over UNFPA Population Controllers: Margin of Victory Grows to Solid 41 in U.S. House," *Global Family Life News* 4:3(June–July 2005): 1, 6–7.

⁷⁰H. Yuan Tien, "Demography in China: From Zero to Now," *Population Index* 47(4):683–710; Tien, *China's Strategic Demographic Initiative* (New York: Praeger, 1991); Susan Greenhalgh, "Science, Modernity, and the Making of China's One-Child Policy," *Population and Development Review*, Aug. 2003.

⁷¹D. H. Meadows et al., *The Limits to Growth: A Report for the Club of Rome's Project on the Predicament of Mankind* (New York: Universe, 1972).

⁷²Meadows et al., *Mankind at the Turning Point: The Second Report to the Club of Rome* (New York: Dutton, 1974), p. 196. "The Only Feasible Solution" is the title of Chapter 9, by Mihajlo Mesarovic and Eduard Pestel, of this second volume.

⁷³Song Jian, "Systems Science and China's Economic Reforms," in Yang Jiachi, ed., *Control Science and Technology for Development* (Oxford: Pergamon, 1986), pp. 1–8. In this section I draw upon Susan Greenhalgh's "Science, Modernity, and the Making of China's One-Child Policy," *Population and Development Review* 29(2): 163–196.

⁷⁴As a demonstration of the significance of these errors, the same rules were used to make predictions for the period from 1870 to 1970, from the basis of what was known in 1870; the computer predicted that the world would come to an end before 1970, in part because of the inability to control the massive amounts of horse manure. This can stand as an apt commentary on the whole enterprise. See Robert Sassone, *Handbook on Population* (fifth ed.; Stafford, Va.: ALL, 1994), p. 6.

⁷⁵Julian Simon, *The Ultimate Resource* (Princeton: Princeton University Press, 1981), p. 286. See also H. S. D. Cole, Christopher Freeman, Marie Jahoda, and K. L. R. Pavitt, eds., *Models of Doom: A Critique of The Limits to Growth* (New York: Universe, 1973).

⁷⁶Time, Apr. 26, 1976, p. 56; New York Times, Apr. 14, 1976.

⁷⁷Song Jian, "Population Development—Goals and Plans," in Liu Zhen et al., eds., *China's Population: Problems and Prospects* (Beijing: New World Press, 1981), pp. 25–31. Note that this English-language publication came out several years after Song had begun circulating these same ideas inside China.

⁷⁸Song, 1981, p. 26; also cited in Greenhalgh.

⁷⁹Song et al., 1985; also cited in Greenhalgh.

⁸⁰Chinese figures of the time showed that the years 1971–79 saw the natural increase rate fall by half, and the crude birth rate decline by almost as much. H. Yuan Tien, "Demography in China: From Zero to Now," *Population Index* 47(4): 683 (1981).

⁸¹Chun Muhua, "In Order to Realize the Four Modernizations, We Must Control Population Growth in a Planned Way," *People's Daily*, Aug. 11, 1979, p. 2. The "Four Modernizations" represented Deng Xiaoping's plan to modernize China's science and technology, military, industry, and agriculture by century's end.

⁸²Song, 1981: 28–30.

⁸³*Ibid.*: 31.

⁸⁴Song Jian, Tain Xueyuan, Li Guangyuan, and Yu Jingyuan, "Concerning the Issue of Our Country's Objective in Population Development," *People's Daily*, Mar. 7, 1980, p. 5.

⁸⁵Greenhalgh, op. cit.

⁸⁶*Ibid.*

⁸⁷*Ibid.*

⁸⁸Song Jian et al., in *People's Daily*, Mar. 7, p. 5.

Mr. SMITH. I will go now to Mr. Wu.

STATEMENT OF MR. HARRY WU, EXECUTIVE DIRECTOR, LAOGAI RESEARCH FOUNDATION

Mr. WU. Mr. Chairman, I am very honored to be here. Before I get into my topic, execution and organ harvesting, I will take this liberty to say something about Mr. Steven Mosher's testimony.

I know Mosher many years ago. I really admire and am very honored to be associated with him and his tireless fighting against this coercive one-child policy in China. In that area there are two people—one just passed away, John Aird—and Dr. Steven Mosher. They make a tremendous contribution on this issue.

We do have to know, Mr. Chairman, this is a fundamental human rights issue, they killing a baby and wounding the woman every day now. There is nothing talking about economic condition

or whatever. This is a basic human rights. Today in China simply the woman do not have a right to be free to give birth.

What are we talking about, human rights in China? You without permit cannot give birth and you are only allowed to have one child.

Should we welcome the President in this country, who implement that policy? I think this ridiculous that we welcome a President here that killing the baby and wounding every individual family there.

I very appreciate something coming up. Last year before the Elaine Chao visit to China, Senator Hillary Clinton sent a public letter. She want China to stop the coercive policy. And then another one, the news coming out the United Nations, the UNFPA have a new program. They try to convince me to stand together with them and maybe convince American Congress to re-fund the UNFPA, and they tried to tell me that this policy with Israel will be pretty good in helping Chinese woman, Chinese family.

I said, if you really want to help Chinese woman, Chinese family, the first thing you have to do, you must do is Kofi Annan, the General Secretary, make a clear announcement, we condemn the Chinese one-child policy because it totally violates human rights. We want to see that stopped. The so-called "planned control" that is not like something in the Cairo announcement. It is planned by the government; is not planned by individual family. There is a very fundamental difference.

The United Nations have to stand in the front to condemn this coercive policy. And American should not fund the UNFPA policy.

Now, let me get into my testimony about harvesting organ and execution. Can we show the photo?

The execution in China is going on and on. The number of the execution we never know, but actually the number is higher, higher and higher. And in the last, probably a year ago, the Chinese have a new internal policy from the supreme court. They will stop the public execution because that will really damage their international image.

So you can probably—today it is very hard really to find out these public executions or sentencing really in China. They changed policy because it is not basic human rights, basic on their so-called international image. But actually the execution style and execution is still going on and on.

Even today the Chinese still not publicize the number of the execution. And even just recently the supreme court demanded everywhere in every provincial court have to inform the death row prisoner's family in advance. That means before that they never informed the family.

There is a couple of pictures right here we can show you. This is a notice from the court listing the number of the people, their crime, and they will be sentenced.

But you can see the very interesting, not only this one but later, the other pictures, they say there are a couple of people over here, 18 prisoners that are in prison right here. They were executed, for example, September 1, September 8 and October 1. But this notice from the court is December sometime. They already kill them and

then make a public announcement. So this is the procedure that shows you that is the procedure of the execution in China today.

Year after year, and according to our investigation and many witnesses, including policemen, tell us, in China they do not have certain execution site. The reason is not only for security, but also try to prevent the people, particularly the prisoner's family to find out the execution site. Later they will remember this is the place they killed my love.

So in China there is no certain execution site. So occasionally they pick somewhere besides the highway, in construction site, or bank of the river. They kill them and find another place another time.

Because the court, the supreme court recently have ordered stop the public execution, so that why they have to have a new policy, new measurement. So recently Chinese change it. The Chinese build up a kind of permanent execution site. And we identify one of this in Chengdu.

Next picture, please.

This looks like very normal building. No sign, nothing. This is entrance.

Next one. Next.

There is a wall with a barbed wire electricity surrounding it. Inside, against one of the walls you see a number of sandbags to prevent the bullets in the area.

Next one.

And then there are two room. One is so-called preparation room, the other one, the execution room. We identify this is for organ removal.

Next one.

But the killing style in this one, I just want you to, I cannot show you the next pictures because this policeman, this executioner, use very special bullets to blow away the woman head. I cannot, these are very brutal pictures. Even in this picture show you how brutal this government is doing.

Next.

And everybody heard, recently the Chinese using a so-called injection, and these are two vehicles right here. Starting in 1993 from the first province, the Yunnan Province, second picture, this is the inside of the injection cart. And many provinces right now are spending money to buy this kind of execution vehicle. It is much more convenient for the Chinese to remove the organ from the executed prisoners.

But one of the correspondents interview the Chinese judge, why to make more that kind of vehicle for the execution? And some of the Chinese officials responded, say, the execution actually is a measurement, is a kind of indication that are warning the people.

But to kill these prisoners in this very peaceful way, this is not purpose, so many areas are still using the bullets, shooting out the back, shooting out the heart. They intend not to use the injection cart.

Next.

Executions do go on, but only you can see the court notice. You cannot find more about these pictures in public area.

Next.

It is very interesting that the whole world is talking about abolish the death penalty. And this picture is from Chinese inside archive last year. They are training executioner. They say, well, we take 40 people from our military police. We give them special training. In 5 days you see this is the way to do so.

So when we talk about these economic allotment, the other side story is they are upgrading their military system and also put more people in the death row prisoners.

Next one.

This is training style training program.

Next.

Now let's talk about organs. Before, Congressmen, you remember that we hold a hearing over here. At that moment in Chinese mostly the organs removed from death row prisoners were kidney because the medical technology at that time not ready yet, but they already trying using liver and heart. According to the Chinese Minister of Health, the information said from 1993 to today they very successfully have liver transplant case of like around 3,000 and around 300 heart transplant case because their technology is upgrade to this level yet.

And kidney has become more popular, kidney transplant has become very popular. Many hospitals can do so. That is why today China have a new situation is because the poor and rich so different and the people on the Internet or walk on the street and say, I want to sell a kidney.

So Chinese this year, a couple of months ago, they have a new policy to regulate for the so-called "individual buy and sell" about organ.

That is nothing with the organs from the death row prisoners. Death row prisoners policy already did. They had the document in 1984.

The new regulations, so-called, forbidding to buy and sell, to control the organ from individual to other people. They are talking about these people because the poor they want to sell the organ. And we know that is happening in India and to the people in Thailand many years ago, but right now they are totally forbidden to buy or do a so-called donation. Not if you are not a relative, you cannot donate your organ to other peoples.

But it is happening today in China, and Chinese say, we have to regulate it because there is a big problem because the hospital is owned by the government. They can make a big profit from these individual so-called donations.

This is the one of the hospitals we just finished our investigation. The investigation take about 8 months. And we saw there is the upper part of the picture is a patient named Su Liping. He was receive a heart from the death row prisoner, and we also interviewed the death row prisoner's family. The family say we never know that our, my son was—when they kill him and when they remove the organ I have no idea about it. And the doctor because this is first case in Huaxi University, so this is big news in China that that was a very successful case.

Very interesting that one of the doctors, he interviewed by the correspondent that she say originally he intend to come to the United States to learn for training. But, Congressmen, you know

that Congress have a bill forbidding the doctor from China who have experience involved in organ transplant. So probably I cannot come to the United States. So he was training in Berlin, Berlin Heart Center. So he has very good technology to make the heart transplant successfully.

Next picture.

Here is another case in Heilongjiang Province, Mudanjiang Hospital. On the left side of the pictures are the hospital. The story in my testimony, because this is the first case in early 1990s about a heart transplant, so this is big news in China. Finally, we have one of the doctors involved in this case, he right now in United States. He make affidavits. He tell the detail.

They find the death row prisoners, they match the patients that need it. And then the date the death row prisoners are escorted by 20 policemen, judge and prosecutor. They get into the hospital just behind the building. They temporarily remodel the garage to become a temporary surgery room and forced prisoner face down, lay on the ground, and step on his back, shoot on the heart in the back. And right away put the sack, wrap around the neck to prevent the brain and the blood out. And they right away carry the body into the garage, open the chest and take the heart. Right away put into the second floor for the surgery and for the patients.

And all these policemen and the judge, they was in the dining room, in the conference room, see the internal TV system to see the operation then. And then everybody got the—in Chinese we say “homebow”; it means cash money—and then make an announcement say, We are very successful in this heart transplant in our hospital. It is everywhere in the newspaper. So the story is going on and we never have the detail.

But very interesting, recently the Chinese House Ministry make an announcement, from 1993 to 2005 there is around 60,000 kidney transplant and around 3,000 liver transplant and about 300 heart transplant. The cornea, the skin is not a business at all. Too easy, too simple. We never talk about it.

And then the Divine Minister of the Health Ministry last year, Huang Jiefu, he was in Philippine participate WHO meeting; and he admitted only 5 percent come from so-called individual donation; 95 percent come from death row prisoners. So this is a high number of the death row prisoners that have become such big resources for the organ.

But do not get in the wrong way. You should not use the words so-called “buy and sell,” okay? Chinese never buy, never sell, okay? This is what even the documents say, this is the use of the death row prisoners organ. Use, otherwise there would be waste.

Today there is a lot of Japanese, Israel, South Korean, Taiwanese, Thailand patients went over there to receive the organ and probably already know that come from death row prisoners, okay? But I never see the bill. There is a listing.

So this is 10,000 for the organ. The whole package is 30,000 for the kidney or the service fee that include organ. So they never export organ. But you go over there, come back with the kidney in your body. It is not like a kidney, putting it in a container, and shipping it to you, okay? The carrier is a body. They guarantee good quality, fresh.

And this is the only country today in the world doing that. And even American Congress have some hearings on this issue, it seems they are ignoring that. It seems they do not matter with that, okay?

Let me go to the conclusion here.

Number one, China number one country using the death penalty on a large scale for a long time. Several thousand people will be executed every year.

Number two, the morality of the society in China has degenerated and people usually lack of sense of human rights, sympathy and justice. Due to the self-interest, people not only do not condemn such practice. They affirm them.

Number three, there is no press freedom in China. When some people oppose such practice, there is no public forum for these discussion.

Number four, the medical profession in China lacks of medical morality. And the doctors regard individual benefits as number one issues.

Number five, Chinese entire medical system is still backward and general health conditions of the Chinese people are relatively poor, which causes a large number of the patients to be in need of organ transplantation. If the safety of the organ transplant surgeries in China improves, the number of the Chinese people and people from abroad undergoing an organ transplant operation would not decrease.

If the Chinese Government does not enact a law to forbid the use of organ harvest from the condemned prisoners, the “trade”—well, the use will not end it.

The international community should be greatly concerned about this development of this issue and should press Beijing government to abolish this policy.

I know that the next witnesses is Lu Decheng. I want to take the liberty to say a few words about this gentleman. He is the real hero of the Tiananmen Square movement.

I have brought over here paint color and eggs. They went to the Tiananmen Square because they—in their view the poultry is symbolic of the evil system and symbolic of the crime. So how do you take it down? Just like the Stalin portrait, statues in Moscow. So they are very clear in mind that is something they had to do.

They went over there. They saw the picture too heavy, too big. So finally they very cleverly say, okay, let's get some eggs and put paint up there. And I asked him, I say, how many eggs you throw into the portrait? Later you can see the pictures. We counted at least 20 of them hit it and some of them missed it. And I asked three people who did it. He said me and Yu Dongyue, two people. Oh, that means each of you like—throw like 16, 17? And then you find out every egg he throw cause 1 year imprisonment. He was sentenced to 16 years in prison. Thank you.

Mr. SMITH. Thank you so very much.

[The prepared statement of Mr. Wu follows:]

PREPARED STATEMENT OF MR. HARRY WU, EXECUTIVE DIRECTOR, LAOGAI RESEARCH
FOUNDATION

THE THEFT OF ORGANS IN CHINA

SEVERAL CASES OF HEART TRANSPLANTATION AT HUAXI HOSPITAL IN CHENGDU AND
MUDANJIANG CARDIOVASCULAR HOSPITAL IN HEILONGJIANG

The Social and Judicial Background of Organ Transplantation in China

The practice of organ transplantation in China was introduced in the 1960s or 1970s, but the tradition of keeping bodies intact after death kept organ donations at low numbers in the beginning. Therefore, with the exception of a few cases of organ transplantation from living donors, the supply of organs was lacking. However, since 1983, owing to China's "Strike Hard" campaigns, large numbers of criminals have been quickly executed. In 1984, the Chinese government launched a national policy that allowed those in the medical profession to use the body and organs of the executed. The Provisional Regulations of the Supreme People's Court, the Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice, Ministry of Public Health, Ministry of Civil Affairs "On the Use of the Dead Bodies or Organs of Condemned Criminals" were issued. According to the regulations, in a situation in which no one claims a dead body, or the condemned criminals or their families are willing to donate the dead body, the dead body and its organs can be used. The provisional regulations have been in effect for over twenty years now, in violation of morality and human rights, and this has triggered condemnation from the international community. The U.S. Congress has held several Hearings and has passed legislation forbidding Chinese doctors who participate in organ transplantation from entering the United States.

Chinese authorities had long denied the facts about organ harvesting, but this changed in early November 2005 when the World Health Organization meeting was held in Manila. During the meeting, Huang Jiefu, the vice minister of China's Ministry of Health, openly admitted that China used the organs of condemned criminals on a large scale. Among the organ transplant surgeries done in hospitals, he said, 5% of organs transplanted consist of individual living-donor organ transplants, and the other 95% of organs transplanted come from executed prisoners. Huang said that because of this, organ transplantation in China had been in "the misty zone" for a long time, without the acknowledgement of the international community.

In recent years, the disparity between the rich and the poor in China has become enormous. The poor, without any other options, are sometimes willing to sell their own organs, which has resulted in a flood of organ transactions. The Beijing government responded to this situation. In March 2006, the Xinhua News Agency reported that China's Ministry of Health had enacted the "Provisional Regulations of the Clinical Application and Administration of Human Organ Transplantation Technology" and made the regulations effective on July 1, 2006. But these regulations have nothing to do with the scene being played out throughout China, in which people are contending for the organs of executed prisoners. And according to the regulations of the government, the police, the procuratorates, the courts, and the hospitals, the practice of harvesting executed prisoners' organs is merely "the utilization of waste."

According to China's Health Ministry, since 1993 China has performed 59,540 kidney transplants, 6,125 liver transplants and 248 heart transplants. The number of organ transplants in China has soared over the last years. More than 2,700 liver transplant surgeries and approximately 6,000 kidney transplant surgeries were conducted last year. Counting bone marrow, cornea and other organ transplants, there were almost ten thousand organ transplants done in China in 2005 alone.

Patients from Asian countries like Korea, Japan, Thailand, Malaysia, Indonesia as well as from Hong Kong and Taiwan are coming in large numbers to China to get a healthy organ. In recent years, Tianjin No. One Hospital (see picture 6) becomes the favorite hospital of the Koreans. In order to make the patients feel at home, the Hospital hires doctors and nurses who speak Korean to take care of the foreign patients. The hospital has to rent the 24th and 25th floor of the Tianda Hotel to boarding the patients from abroad while waiting for the suitable organs.

First Execution, Then the Announcement. The Dates and Lists are changed arbitrarily

Several thousand people are executed in China every year. Because of China's chaotic judicial system and the opacity of the sentencing and execution of condemned prisoners, the prisoners and their families in most cases do not receive advance notice of executions and are not informed of the execution date. After an exe-

cution, the list of those who have been executed is usually publicized in the bulletin of the local intermediate court (picture 3A/B). But according to investigations conducted by the Laogai Research Foundation, these announcements are only pro forma, and in reality the lists and the times are changed arbitrarily. Moreover, the names of some executed prisoners are never publicized at all.

For example, according to a poster displayed on December 8, 2005 by the Intermediate Court of Chengdu, 18 condemned prisoners were executed in succession. However, the prisoners executed on October 13, and those executed on December 7 and 8, were listed on the same poster. So it remains unknown which of the prisoners were executed at what time. Such instances reveal not only the lack of efficiency and discipline present in China's judicial system, but more importantly the secret hidden by deceit that the police, the procuratorates, the courts, the hospitals and the prisons cooperate with each other to execute the prisoners secretly to steal their organs and cremate the cadaver immediately, and to give the ashes to their family, because many condemned prisoners refuse to "donate" their organs. Many condemned prisoners are peasant workers who have traveled to the city to find a job. They break the law, but they don't have the money to hire an attorney. They are sentenced to death and are executed in shady and unknown circumstances, and their corpses are regarded as "the unclaimed."

The following are several cases of organ transplantation which prove that the organs of executed prisoners are often being stolen without the knowledge of the prisoner himself, and which show that, even if he signs an agreement to "donate" his organs, this is done under forced conditions.

THE FIRST HEART TRANSPLANTATION AT HUAXI HOSPITAL IN CHENGDU IN 2005

On September 29, 2005, Huaxi Hospital in Chengdu, Sichuan Province (picture 1A) performed its first heart transplant operation. The hospital told people that the heart came from a legitimate source. But according to an investigation conducted by the Laogai Research Foundation, many clues showed that the heart provided in this case very likely came from a 21-year-old student named Gou Hua. Another 21-year-old worker named Su Liping (picture 2 A/B), suffered from a serious heart illness. Su, measuring 1.78 meters tall and thin in stature, was a resident of Banqiao Town, Fushun County, Sichuan Province. He was hospitalized on September 6. The hospital agreed not to charge him for the surgery and exempted him from the expected 120,000 yuan in medical expenses, because this was to be the first time for the hospital to perform a heart transplant operation. Dr. Zhang Eryong (picture 2 A/B), who was in charge of the surgery, required Su's father to sign a liability agreement saying that if the operation failed, they would not prosecute the hospital, and meanwhile they would not ask where the heart came from and would not talk about this to the media.

On September 29, eleven condemned prisoners, sentenced by the Intermediate People's Court of Chengdu City, were simultaneously executed at an execution field in the suburbs of Chengdu. The site of the execution field was not clear, but it was likely one within 100 kilometers of the city. Among the eleven condemned prisoners was Gou Hua. Gou was a resident of Wangjing Rural Area, Pingchang County, Sichuan Province, a former student at the Training School of Agricultural Science and Technology of Chengdu. On March 21, 2004, Gou Hua has killed two of his schoolmates out of self-defence. Under circumstances in which there was no attorney and his family was not informed, he was sentenced to death and was executed on September 29. Gou measured 1.78 meters tall, had Type A blood, and was thin in stature. As LRF's investigation revealed, before the execution, he had been asked by the prison about whether he would be willing to donate his organs, and he refused. Gou Hua was convinced that he did not deserve the death sentence. His family had also believed that he would get a sentence of life imprisonment, because they had never received any notice from the court. However, weeks after the execution, they learned that he was dead, and as for where and when he had been executed, it was still a mystery to them.

On September 29, Huaxi Hospital sent several doctors and nurses to retrieve the heart at the execution field. Dr. Ren Ke (picture 2B) was in charge of the heart removal, which was performed in 20 minutes. A report of the Chengdu Daily on October 13 said, "The supplied heart arrived smoothly at the hospital around 4 o'clock in the afternoon that day (September 29)."

The transplant operation team, led by the director of the Heart-Vascular Surgical Department, Dr. Zhang Eryong, included the attending doctors, Dr. Ren Ke and Dr. Guo Yingqiang, the resident physician, Yi Min, and the anesthesiologist, Li Yu. All of the nurses in the Heart Surgical Department and the other departments, such as the Heart Medical Department and the Experimental Medical Department, as

well as physicians Cao Ke, Ma Jianchang, and Fan Jingxiu, coordinated with each other. The entire heart transplant operation lasted six hours and fifteen minutes.

Huaxi Hospital owns two big, dark blue vans, bearing the license plates of the bureau of Sichuan, with the plate numbers Sichuan O-53604 and Sichuan O-53651, respectively (picture 1B). These vehicles are used exclusively for organ retrieving at the execution ground, and all the residents living near the two execution grounds can recognize them. The investigation of the Laogai Research Foundation could not determine for certain on which execution ground Gou Hua was executed, his heart removed and carried in solvents to Huaxi Hospital on September 29.

Huaxi Hospital has been categorized as class A hospital in western China with modern equipment and excellent medical personnel, it is also among the hospitals in China that performs the largest number of organ transplantations. In recent years, the hospital has been strict regarding confidentiality and discipline inside the hospital. In any given medical department, only the director of the department knows where the organs come from.

Dr. Zhang Eryong, who was in charge of the heart transplantation described, is 49 years old this year. Since USA becomes more strict for the entry for medical doctors who are involved in organ harvesting with the executed prisoners, Dr. Zhang decided to go to Germany, he spent half a year in 2000 at the Heart Center of Berlin, where he studied specifically heart transplantation operations.

THREE HEART AND HEART-LUNG TRANSPLANTATION IN MUDANJIANG CARDIOVASCULAR HOSPITAL IN 1992/3

The Chinese Health News reported on two cases of heart transplantation that took place within six days at Mudanjiang Cardiovascular Hospital on July 15, 1992.

Case one

Fifty-five-year-old male patient Zhang Shouli suffered from dilated cardiomyopathy (DCM). He was delivered to the hospital on May 8. After Dr. Liu Xiaocheng (picture 4B), the head of the hospital and the chief of the hospital's heart department, conducted an examination, and an interdisciplinary check-up was performed, Dr. Liu decided to perform the heart transplant on July 5. Twenty-six hours after the surgery, the patient could breathe without the support of a respirator. He could also consume small amounts of food and water, and he was able to move around slightly in his bed. (See below: Heart transplant on July 5, 1992)

Case two

Thirty-eight-year-old male patient Lu Ronglu was originally from Inner Mongolia. Dr. Liu performed this transplant just six days after the first one. Five hours after the surgery, the aspiration tubes were removed, and the patient could breathe without artificial support. Twelve hours after the surgery, the patient was able to consume food. (See below: The heart transplant on July 11, 1992)

These two cases of heart transplantation, directed by the head of the hospital, Dr. Liu, used the hearts of young executed prisoners. The most shocking aspect of these instances was that Mudanjiang Cardiovascular Hospital served not only as a hospital, but also as an execution ground. The Laogai Research Foundation has a connection to Dr. Yang, who was directly involved in these two transplants and in other cases. We were able to obtain very detailed handwriting descriptions from Dr. Yang (picture 5B) about the organ transplant surgeries that have been carried out in Mudanjiang Cardiovascular Hospital

Dr. Yang Jun (picture 5A) was a physician at Mudanjiang Cardiovascular Hospital. He graduated from medical school in August of 1979. Until Dr. Yang left the medical profession in August of 1994, he participated many times, directly and indirectly, in the use of the dead bodies or organs of executed prisoners. In June of 1991, Dr. Yang was designated by the Mudanjiang Health Ministry as chief of the Director's Office of Mudanjiang Cardiovascular Hospital. The following is his testimony regarding the above mentioned two heart transplants:

1. Heart transplant on July 5, 1992 (Case one)

In July of 1992 our hospital conducted two heart transplants within 6 days. I was in charge of hosting visitors from different levels of the government, legal departments, media and other organizations. I was also responsible for dealing with the press, so that I experienced the whole process of the transplantation.

The patient: Zhang Shouli (after the surgery, people in the hospital called him Dabao—Mascot Number One) was a 55-year-old peasant. Late in the afternoon of July 5, the pre-surgery preparation started. Around 10 p.m., 10 legal officers of the Mudanjiang Intermediate Court, led by their deputy executive chief, Mr. Gao, and escorting the condemned prisoner, arrived at the hospital. Two procurators of the

City People's Procuratorate also came. The prisoner, bound with shackles, was a 24-year-old male. The surgical personnel were divided into two teams, one to ready the patient, open his thorax, remove his heart and establish external circulation. The other ready to extract the heart from the dead body of the prisoner. At 11:20, the patient's thorax was opened. The people from the court and procuratorate all walked together with the prisoner to the morgue located in the northwest part of the hospital. I accompanied them with the vice mayor, who was in charge of the health issues of Mudanjiang, Secretary Zhu, and the head of the Mudanjiang Branch of Heilongjiang Daily News.

In order to prevent any unexpected incidents, the anesthesiologist gave the prisoner an intravenous injection of a tranquilizer and muscle relaxer. The needle was left in his arm. The prisoner could barely walk, and he was supported by two police officers. In the morgue, following the legal procedure, the officer first asked his name, age, and place of birth, and then checked the photo in his file and read aloud the document of the final verdict. The handcuffs and shackles were then removed from the prisoner. About one dozen people encircled him. He lay down with his face to the ground, and one bailiff shot him with a pistol on the back of his head, after which another covered his bleeding head with a black sack. Four men carried him quickly by his limbs and placed him on the provisional surgery table. His heartbeat and respiration had already ceased, so the doctors laid a conduit on his trachea and conducted an infusion through the needle in his left arm. Once again the heart started to beat, and the respiration recovered. The extraction of the heart followed almost immediately. After about 10 minutes, the heart was retrieved by the head of the hospital, Dr. Liu Xiaozhu, and put into a solution. Dr. Liu then went back to the surgery room. He washed his hands, disinfected and changed clothes before he started the transplant surgery. Meanwhile, the other surgical attendants began to sew up the thorax of the prisoner, and removed his head covering. The hospital personnel left the cadaver on the table and locked the morgue. The judicial officers of the court and procuratorate went to a conference room where the hospital had prepared a feast for them. The surgery process was shown on a screen. After dinner, the guests took a rest in rooms where the hospital had reserved for them. The surgery continued until 7 a.m., and the transplanted heart began to beat on its own. Dr. Liu walked out of the surgery room, and all of the government officers and guests congratulated him. The journalists conducted interviews with him on the spot. Dr. Liu shook hands with the judicial officers and expressed his gratitude. Finally, the hospital's vehicle transported the body and the judicial officers to the crematorium to cremate the cadaver.

On the third day, on behalf of the hospital, I treated the judicial personnel to a meal at the Swan Restaurant. All of the officers involved came to the restaurant. I handed them prepared envelopes labeled with their names. Inside, there were gifts of 1,000, 500 and 300 yuan respectively.

2. The heart transplant on July 11, 1992 (Case two)

The patient's name was Lu Ronglu (after the surgery, he was called Mascot Number Two), and he was 38 years old. Mr. Lu, from Inner Mongolia, a worker in a school, was suffering from cardiomegaly. This surgery took place only six days after the first one, and the procedure was quite similar. The condemned prisoner was related to the first prisoner (they were brothers-in-law). The two men had been involved in a robbery, by raiding a Credit Bank of Agriculture, and they killed the guard at the bank, so both were given the death sentence. Officers from the court and the procuratorate were present, just as in the previous instance. This surgery also started at around midnight and lasted until the morning of the next day. The surgery was a success.

The two heart surgeries successfully followed each other within six days. The patients were in good condition, they stayed in the hospital for long time and they were interviewed by the major national media organizations. The first patient (Mascot No. One) lived for approximately two years and eight months. He left the hospital in February 1994 to spend the Chinese New Year with his family. However, a sudden rejection took place, and the local hospital lacked the ability to deal with this urgent case, so the patient died. The second patient (Mascot No. Two) also died, in the second half of 1994.

Dr. Yang Jun has also experienced a heart-lung combined surgery, the following is his description.

3. Heart-Lung Surgery on December 26, 1993

In December 1993, our hospital chose another male patient, a 54-year-old man who suffered from cardiomegaly and arterial narrowing in the lung. We obtained a large amount of information about local death row inmates from the Intermediate

Court of Chengdu City. We selected a 28-year-old prisoner who was from Hailin County in Mudanjiang City. He was sentenced to death for sexual attack and murder. He didn't want to submit a second appeal. It was said that this prisoner had a gangster background, and therefore the judicial department dealt with his case with great diligence. In the beginning of December, I headed to Hailin Prison with a team of medical personnel to conduct the first physical check. In the single jail cell, we saw that the prisoner was lying naked, with his back to the cement ground, his limbs were spread apart, and his wrists and ankles, as well as his neck, were fixed to the ground with iron hoops. The warden explained to us that this treatment was called "set up the ground hoops", and it was set up as an extra precaution for death row inmates, in order to prevent any unexpected incidents from occurring before the execution. This prisoner was locked in this way for more than 20 days. For each meal, a designated inmate would feed him and clean up his excrement.

Our primary check showed a match. I persuaded the prisoner to donate his organ and promised that as soon as he agreed the donation, he could be freed from this miserable position. He agreed. We then sent 20 security troops to escort him secretly to our hospital. The second physical check proved that the match was perfect. Like in the previous cases, after the data was checked, our hospital took over the supply work. We wanted to give him nutritious food to build up his strength, so that his organs could function at the maximum level. I ordered a daily meal from a nearby restaurant for him, and each meal cost an average of 10 yuan. He was even allowed to drink a small amount of wine. He is still required to wear handcuffs and shackles until the execution. Together with the medical team, I made two more visits to the prisoner to check his health conditions.

At 10 p.m. on December 25, 1993, accompanied by approximately 20 judicial police and two procurators, the condemned prisoner arrived at the hospital. Vice Mayor Bai, the head of the Health Department of Mudanjiang and several government officers came again to the hospital. More than 10 journalists came to make an on-the-spot report. This time the prisoner was waiting in the conference room. He asked to take a bath. After consultation, the judicial officers agreed. So four police took a shower with him together for 20 minutes. Later, two tables were arranged in the conference room, and the judicial officers dined with the prisoner and even drank a small amount of wine. At 11 p.m. the surgery began. At 11:20 the execution was carried out. It took 15 minutes to retrieve the prisoner's heart and lungs. The subsequent transplant operation lasted 11 hours. The patient's heart started to beat, and his aspiration was normal. The surgery was proclaimed to be successful.

The next day, I accompanied the surgeon and the head of the hospital to a city press conference. The officers of the Provincial Health Department, specialists from the University Hospital of Mudanjiang and other medical experts were also present. More than 30 journalists from 10 or more media organizations in Heilongjiang Province came as well. At the press conference, the news was released that the first successful heart-lung transplant surgery had been performed. After 72 hours the patient died of sudden rejection.

CONCLUSION

The above organ transplant cases were proclaimed by the Chinese media as great medical achievements, and the Laogai Research Foundation conducted an investigation into these cases. Because of the temptation of tremendous financial benefits and the progress of medical technology, the medical profession in China has gone wild in terms of plundering the organs of condemned prisoners in recent years. Many small hospitals enter into this trade in spite of a lack of adequate technology and equipment, which has resulted in many cases of the deaths of foreign patients. That the international community has begun to show concern about the harvesting of organs from executed prisoners in China has put the Chinese authorities on alert, which has increased the difficulty involved in conducting investigations from the outside.

The practice of organ harvesting, which violates humanity and human rights, will not change for a long time, because of the clear policy of the Chinese government and the following several factors:

1. China will continue using the death penalty on a large scale for a long time, and several thousand people will be executed every year.
2. The morality of society in China has degenerated, and people usually lack a sense of human rights, sympathy and justice. Due to self-interest, people not only do not condemn such practices, they affirm them.
3. There is no press freedom in China. Even if some people oppose such practices, there is no public forum for this discussion.

4. The medical profession in China lacks medical morality, and doctors regard individual benefits as the number-one issue.
5. China's entire medical system is still backward, and the general health conditions of the Chinese people are relatively poor, which causes a large number of patients to be in need of organ transplantation. If the safety of organ transplant surgeries in China improves, the number of Chinese people and people from abroad undergoing organ transplant operations will not decrease.

If the Chinese government does not enact a law to forbid the use of organs harvested from condemned prisoners, this "trade" will not end. The international community should be greatly concerned about the development of this issue, and should press Beijing to abolish this policy.

Mr. SMITH. I would like to invite Lu Decheng to please make your presentation.

**STATEMENT OF MR. LU DECHENG, 1989 TIANANMEN SQUARE
PROTESTER**

Mr. LU [through an interpreter]. Thank you. First, please allow me to express my sincere thanks to the U.S. Congress to invite me to testify here.

What we have done 17 years ago at Tiananmen Square, Yu Dongyue, Yu Zhijian and I, it is just a small act. We just want to show our protest that we are against this despotism and the totalitarianism.

History cannot be repeated. It cannot be changed.

At Tiananmen Square, at that time, there are masses; they are citizens, they are students, they are protesters, and we were among them. The students and students guard, they have certain behaviors. Maybe we have different opinions, but all are a part of this history.

It is really a pity that 17 years later, today, very less of eye-witnesses at that time stand up and tell the truth. We see very few of them.

I will never devalue this great movement, 1989. Still today I am convinced it is a patriotic democratic movement.

On May 23, 2 p.m., 1989, three of us, we three boyhood friends, came from Hunan. We gathered together under the Tiananmen gate. We were prepared at that time. We were not only prepared with the eggs and the paints, but we also prepared two banners. On the two banners, one was written, "The 5,000-year history of autocracy is over," and on the second one is, "The personality cult has ended forever." So it shows very clearly our political appeal.

I wish I am not the very last people who stand up and testify and tell the truth at that time. I wish more eye-witnesses to stand up and clear some details which are still in darkness. And I think to know the true history is very important to achieve democratic future in China.

I think it is extremely important that the people in the world recognize and see clearly the true character of the Communist Chinese regime, the true characteristic of this totalitarian system, and I think this is the beginning step to achieve the democracy in China.

China has replaced the leading role of the Communist countries after Soviet Union and Eastern European drop this system.

The testimonies from today, we talk about the one-child policy, we talk about the suppression on the Falun Gong practitioners, we talk about laogai and we talk about organ harvesting, et cetera; I think all this problem lead back to the root of these totalitarian system.

Many free countries have the illusion that through the economic development in China, the system will change. But that is not the right thinking. We learn from the history, we see that the 1936, the Olympics were held in Germany; it was a support to the Nazi regime.

We see also that at end of the Second World War, a lot of the country just follow the appeasement policy and thought that they can deal with the totalitarian system, they can deal with the Communist system, but the history proves that it is wrong.

More than 1 year ago I fled from China and through Burma reached Thailand. The international world, governments from many countries—from democratic movements, the Chinese democratic movements and human rights organizations—have tried to help me, and finally I can reach this free world; and I can only say today that I am honored and very thankful that I can be witness here. And I think our strength is that if we know the real, the true character of this totalitarian system and we work together, justice will prevail and freedom and democracy will prevail. Thank you very much.

Mr. SMITH. Mr. Decheng, thank you very much for your testimony.

[The prepared statement of Mr. Decheng follows:]

PREPARED STATEMENT OF MR. LU DECHENG, 1989 TIANANMEN SQUARE PROTESTER

IMPRISONMENT FOR DEFACING MAO'S PORTRAIT

I was one of three people who “defaced” the portrait of Mao Zedong during the 1989 democracy movement at Tiananmen Square. Along with Yu Zhijian and Yu Dongyue, I threw paint-filled eggs at the portrait of Mao. The three of us were charged with “counterrevolutionary sabotage, propaganda and incitement”, and we were all sentenced to lengthy prison terms. An employee of a bus company at the time, I was sentenced to 16 years in prison. Yu Zhijian, an elementary school teacher, was sentenced to life in prison. Yu Dongyue, a fine arts editor with Liuyang News in Hunan, was sentenced to 20 years in prison.

I served over nine years of a 16-year jail term before being paroled early in 1998. I fled through Burma to Thailand in November 2004. I left Thailand for Canada on April 11, 2006 under a resettlement program run by the UN High Commissioner for Refugees.

Yu Zhijian was freed in 2005, but in March 2006, he was arrested again for his pro-democracy activities. In March 2006, Yu Dongyue was released on probation after serving 16 years in prison, but he was found to be severely mentally ill. His family members have said that Yu cannot recognize them, and that he speaks unintelligibly.

On the night of May 22, 1989, the three of us came up with the idea of making a bold gesture. Our target was the huge portrait of Mao Zedong that hangs over the entrance to the Forbidden City. On May 23, we loaded empty eggshells with red, blue and yellow paint and hurled them at the portrait, the highest symbol of prestige of the Communist Party and its political system. Splatters of paint landed on the face and shirt of the founder of the People's Republic of China. We also hung two banners over the main arch of the Tiananmen Gate. One banner proclaimed “The 5,000-year history of autocracy is over,” and the other said, “The personality cult has ended forever.”

We were handed over to national security police by the student command on the Square, after which we received our harsh punishments from the government. Our act of protest symbolized a strong political declaration that China has no way of taking even a single step towards freedom without first getting rid of Mao.

Mr. SMITH. It was worth noting that three of our six witnesses today spent time in Chinese prisons. Mrs. Kadeer, 6 years; Mr. Harry Wu, 19 years; and you, some 9 years. That certainly, I think, provides us with insight that we might not otherwise have, especially getting your most recent focus of what it was going to be like.

And I would ask you if you would tell us a little bit about your time spent in detention. Was there torture at any period of time during your 9 years? Did you make any products that you thought or suspected might be used for export?

I would note parenthetically that back in the 1990s, almost right after the Tiananmen Square massacre, Congressman Frank Wolf and I went to Beijing prison No. 1 where some 40 Tiananmen Square protesters were being held. They all had their heads shaved. They looked very gaunt, as did the other prisoners. And while we were there, we picked up jelly shoes, which were very much being sold in our markets, and socks that were also being sold here. As a result of that, we asked our Customs people, our Government, to put an import ban on those products because we knew that it was in violation of the Smoot-Hawley Act that these prison-made goods were being exported to the United States.

In that instance, such an import ban was put on that and that prison camp closed, only to be opened, no doubt, somewhere else and all the prisoners moved to some other location. But it raises an issue, and I would ask the others, and especially Ms. Lee, to speak to this if you would.

But I would like to hear of your recent—before I get there, just let me explain this.

During Bush One, during the previous Bush Administration, a memorandum of understanding was entered into by the United States and the People's Republic of China on prison-made goods. It was often brought forth to congressional hearings and used as evidence that we were trying to engage the Chinese to prevent the exportation by the Chinese and the importation by the United States of prison-made goods.

The problem was that it required the Chinese to investigate any complaint that we made, and we had to have very specific information to trigger such an investigation. So we have those who probably are perpetuating these crimes investigating themselves. It was a Swiss cheese type of document if ever there was one, but it was often brought forward by people within the Administration to say, see, we have this MOU.

When Clinton became the President, they used the same MOU, upgraded it a little bit, did not make it any better for sure. I met with the Customs people on a trip in Beijing and asked them, how are they doing, are you following up on any leads? They were like the two Maytag repairmen. They had no work to do. Nothing was coming their way because of the convoluted process that they were told they had to follow.

So I would ask Ms. Lee, after we hear from Mr. Lu Decheng, again, if you could speak to what your most recent prison experience was; and, Ms. Lee, if you could speak, and anyone else, to the MOU and its efficacy,

Mr. LU. I was first detained in a small room, 3 meters long and wide. And the other three normal criminals, they watch me all day

long. The purpose that they just keep their eye on me was that they prevent me to commit suicide.

The food was not enough. We got corn, a kind of, cornbread, and it is not enough; so after breakfast, short after, we are hungry and longing for our lunch. And after lunch we are longing for the dinner. Sometimes it is just a fight against each other to get more food.

Well, beside of the constant hunger, I was not actually, during these 9 years plus 1 year in Thailand, all together 10-years, I was never thrown into the solitary confinement; but still I feel very, very isolated, and I suffer under constant fear.

In 1993, they wanted to persuade me to make some political compromise. I refused, so they organized other prison mate to beat me up, which left long scar behind my ear.

My other friends, my other two friends who are Yu Zhijian, who got a 20-year sentence and he was very often beaten up by the other prison mates and he lost a lot of his teeth.

I believe you have heard a lot about the one of the others, one of the three, Yu Dongyue. He was a very healthy, strong young man, very tall and very healthy. He took bath with cold water during the winter. Such a healthy young man was suffering under torture, severe torture. So when he was released after 17 years imprisonment on February 22 this year, he actually had severe mental illness. He cannot recognize his family members. He speak very disorganized and actually he has lost his mind.

In the prison where I was, this was the Number Two prison in Hunan, but to the outer world it is called the "heavy vehicle factory." The surrounding was very bad because there was chemical factory in the neighborhood and they contaminate the environment severely, and sometimes we cannot just breathe. Sometimes they just send those prisoners who are not very obedient to very heavy labor, for instance, some of them are sent to Xiangtan coal mining.

This is not only what happened to me, but it is the general situation in prison. It is out of your imagine. The torture and the spiritual torture is very severe.

Thank you.

Mr. SMITH. Thank you. Ms. Lee, if you would speak to the issue of the MOU; and while you are doing that, add to it—you mentioned the child labor issue, 10 to 20 million, I think it was, the dialogue in lieu of the section 301 enforcement has yielded nothing, and I thought that was a very telling comment.

And my question is also, you know, in the answering, do you have any estimate of what portion of our trade deficit might be attributable to unfair labor practices? Are any U.S. or international corporations involved in unfair labor practices?

Perhaps this might take some additional research. In addition to the impact on the United States, what might be the impact of China's unfair trading practices on especially its use of child labor, gulag labor, the laogai labor system for exports on developing countries?

We had a hearing last year on AGOA, the African Growth and Opportunity Act, and we talked about how the Chinese—and we had several witnesses bring some very startling information forward about how China is gathering up the minerals, the oil, rare

minerals at that, the timber, from Africa to China in exchange for military hardware and some consumer goods. And I am wondering—and it is a very unbalanced relationship in places—like Sudan and Zimbabwe seem to be excelling in this kind of exchange. So if you could speak to these issues.

I do want to thank you for bringing up the North Korean refugee issue. We had a hearing on that, as well, and the fact that the People's Republic of China is violating with impunity their solemn obligations undertaken under the Refugee Convention; and they are sending people back—North Koreans in this case—to certain imprisonment and torture rather than providing the UNHCR and other interested parties the ability to interview and process those individuals.

So they are violating—even when it comes to another country's human rights abuses, they do not even live up to the Refugee Convention. But if you could speak to those.

Ms. LEE. Thank you very much, Mr. Chairman. Those are a lot of very important questions.

Let me say, one thing to frame it all is this issue of transparency. And the difficulty of getting accurate information and data out of China is, I think, pervasive, particularly in the forced labor area, but in all of these.

And we have understood also that the Chinese Government has now made it a crime to reveal state secrets. And state secrets can be something like working conditions in a factory. And so the oppression against people who reveal bad working conditions, as I am sure many people here know, also is very extreme; and that complicates our task tremendously. So we get a lot of different estimates.

In terms of the forced labor issue, we understand this is very much a current issue, a current problem, that forced labor is an integral part of the Chinese economy. The estimates that we have seen range from 1.75 million to 6 million and higher. And I think that is probably a low-ball kind of estimate of how many people are involved in this forced labor. And we definitely are getting continuing credible accounts that these goods are coming into the United States still as exports, despite these numerous memoranda of understanding, but that we aren't getting the kind of access to the camps and to the goods that would allow us to verify that.

I have just one little anecdote. I had a visit from a Falun Gong practitioner who had gone to Beijing—and I think this is a fairly common story—to inquire about his wife who had been detained. And he ended up in a camp. He was never charged with any crime, but he ended up for, I think, several years in some sort of a holding area, but it was essentially a prison. And he told stories about working late into the night producing goods with corporal punishment, very strict sort of beatings if they fell asleep or anything else. And the product he was making, I think you would be interested, were shopping bags marked with the National Gallery of Art which is just a few blocks from here.

Some of the other issues that you raised, I think are extremely important. What portion of the trade deficit is due to the unfair labor practices and the repression of workers' rights? Our estimate

is, manufacturing costs are repressed by as much as 44 percent, or an average of 44 percent, which is huge. It is an enormous amount.

Now, that is actually a fairly conservative estimate. It is not even taking into account child labor and forced labor. That is simply looking at the violation of the workers' right to form unions and what happens to the migrant workers. And, of course, the migrant workers are a very important piece of the manufacturing economy.

So that was the estimate that we made, and it does translate into a huge impact on our trade deficit.

The way we look at the Chinese trade issue is that each one of these pieces, the currency manipulation, the worker rights violations, contributes to these enormous trade deficits. And people say, well, there is really nothing you can do. They sort of throw up their hands and say, well, it is so enormous and the Chinese cost advantage is so huge, you may as well not fix any of it.

Our view is not that: You need to start and fix all the pieces that you can get your hands on for the human rights reasons as well as the economic reasons.

Are any American companies implicated? Absolutely. I think it is true probably, on average, that the American companies have better labor practices than the Chinese-owned companies, for example, or some of the other foreign-owned companies, but that is not saying very much. And one of the things we found is that there is pervasive misreporting, false reporting, to company monitors that have codes of conduct; and that there is software that is sold where people keep double, triple, quadruple books so that they are misreporting how many hours people work, how many people are working there, and what wages are being paid.

So there is a lot of fraud going on to make many American companies feel more complacent that their company code of conduct is being respected when, in fact, it often is not.

So we have heard some just terrible stories, particularly about working hours. I think that is one of these things, the wage arrearages that I mentioned. Maybe I didn't mention it explicitly, but it is in my written testimony that the estimate is that, on average, every single Chinese worker is owed 3 months of back wages and that there is not really the kind of pressure on employers to even pay what they owe, what they have promised to these workers.

So there is an enormous asymmetry of information and of bargaining power that the Chinese Government is simply not only not helping to address, but is exacerbating and making it worse.

Chinese companies, I think, just have to understand that if they are operating in China, first of all, they know that they are not able to guarantee freedom of association to their workers because it is not up to an individual company to allow unions if the Chinese Government outlaws independent unions. And second of all, in many cases they are not probably getting accurate information from those facts.

The last issue you raised about the impact of China's repression of workers' rights on other developing countries is enormously important, and this is something we hear from developing country unions all the time and from governments of other countries, that to the extent that China is not just a repressive country, it is an

enormous and industrially aggressive and successful country with big export ambitions.

So every government in the world and every worker in the world to some extent is in competition with China, and if China is allowed to compete in the global economy by violent repression of workers' human rights, then other countries find themselves in somewhat of a dilemma. How do struggling democracies in Africa or Latin America compete with a government that does not allow its workers to form independent unions and to bargain for their fair share of the wealth they create?

So that is an enormous problem. That, in our view, is why we need to be able to address workers' rights at the World Trade Organization multilaterally, and we need the support of developing countries.

I think there are some developing countries that have been resistant to this issue that are finally starting to understand, especially with the end of the textile quota system; that being in direct competition with a very repressive dictatorship that treats its workers badly is actually bad for everybody, not just for industrialized countries, but also for workers in many developing countries.

Thank you.

Mr. SMITH. I appreciate it. Let me just add two additional questions or one comment.

The State Department report for this year points out that, as you mentioned, the wage arrearage issue, that people have actually been imprisoned for demanding their wages that are in arrearage; and they continue to be in prison today. And the part about occupational safety, which is on page 37 of the report, makes it very clear that during the year industrial accidents killed 126,760 workers, and those are the ones that they are willing to report on.

There is no OSHA, as far as we can tell, in the People's Republic of China, which puts worker safety certainly, especially when there are no collective bargaining rights, in a situation where people can be hurt. There are not protections in the manufacturing area necessarily to protect them, and that means deaths. How many people have been injured obviously is another issue as well.

So I thank you for bringing many of these things forward to us.

Let me ask, if I could, Mr. Mosher: In my opening comments, I spoke about the issue of missing girls in China, and what I and others really believe is "gendercide," girls being targeted simply because they are female for sex-selected abortions. And the impact it is having in trafficking. We know that there is a magnet now, and it will only get worse as time goes on, for sex trafficking. The whole idea of brides, of women being brides, selling, increasing rather than decreasing, and we have heard from Mrs. Kadeer about the whole issue of what I consider to be a genocide where people are being focused upon for so-called family planning to reduce their number so you will have less Uighurs within this country.

My question is, what is your take on the missing girls issue? I had first read about this demographer, and I am glad you brought up Dr. Aird, who was a pathfinder, not unlike yourself, but someone who did it by studying scholarly articles and everything he can get his hands on in China, and we do mourn his passing. Dr. Aird, in his book, *The Slaughter of the Innocents*, heavily footnoted, he

made it very clear that so much of all of this is coming right from the top. It is not an aberrant cadre somewhere down the line. This is systematic policy. It is pervasive. And even though the Chinese Government will, from time to time, make statements, or even put some policy forward to mitigate sex selected abortions, they continue unabated because the root cause is the disallowing second and third order births, in other words, brothers and sisters who have been rendered illegal by the policy.

So my question is, do you consider this to be a genocide? What is your take on the gendercide issue? I heard a perverse commentary, that maybe they need to start aborting more boys to get the numbers right rather than welcoming and affirming the precious life of a baby girl or a baby boy. They are not pollution, as I think you alluded to earlier in your statement. And the numbers, do we have any number on how many missing girls, one number that the State Department in its report 2 years ago, I believe it was, was as many as 100,000—100 million, I should say, missing girls. But I am not sure if we really have a good handle on how large and what the scope of the problem is.

Mr. MOSHER. Well, as you know, Mr. Chairman, this is an issue that I have followed from the beginning of the one-child policy. I was in a very wealthy part of China on my first trip. I was in a county, Shunda County, which was part of the Pearl River Delta, where female infanticide had never been practiced. I interviewed elderly midwives who said no, we have enough fish and rice here to raise all of our children, girls as well as boys.

Infanticide had been limited historically in China to famine areas and remote areas in the poorer parts of the country. So I was astonished back in the early 1980s to learn of little girls dying in mysterious circumstance shortly after birth. They would be drowned in buckets of water. They would be smothered upon emerging from the womb. And they were being killed for one reason and one reason only in Shunda County and other wealthy parts of China, that the economic reform was under way, life was getting better in the countryside. This was a result of the one-child policy.

And when this became news in the West, it took a couple of years to percolate out, the Chinese Government made probably its major adjustment to the one-child policy. It happened first in the north, in Hunan, and then later in 1985 and then in 1986 was made a nationwide policy of allowing couples in the countryside whose first child was a girl, to then go on to have a second child. That is to say not strictly limit everyone in the country to one child, but in an effort to stop this massive problem of female infanticide, they were going to allow couples to have a second chance.

Well, the numbers that we had at that time showed—and you can do the calculations using numbers from China's Bureau of Statistics, that were published up until the mid 1980s, at which point they stopped being published, that about 600,000 baby girls were missing each year and presumably dead.

The policy, of course, was degenerated into a de facto two-child policy in the countryside. Local officials said in effect, we can't force half the people in the village to have one child and the other half allow them to have two. And now sterilization follows after the second child. These are the sterilization campaigns we have heard

about where officials go with lists of women who had two children into a village and arrest those women and, sometimes using mobile sterilization vans, drive into the village and sterilize these women on the spot; other times take them to the local clinic.

Back in the late 1980s, however, something else happened, that was the advent of ultrasound technology in China. First in the cities, and now virtually every rural clinic in the country has an ultrasound machine, and it is used primarily—it is a great money-maker. It is a great income-generating device for these rural clinics—because it is used to detect the sex of the unborn child. And if the gender is revealed to be female, an abortion follows. If the gender is revealed by the ultrasound to be male, the couple celebrate and go on to have their male child.

So, infanticide and sex selective abortion have been at epidemic proportions from the beginning of the one-child policy. There are now 100 million more men than women in China. The government already admits 20 million young men are currently unable to find brides because their would-have-been brides were eliminated by infanticide and sex selected abortion 20 to 25 years ago.

And the cross-border traffic in women, the buying and selling of women in China, grows ever more serious over time as the price goes up. One might think that as women become scarce their status would increase. Yet, in China, as women have become scarcer, they become more and more of a commodity. Their rights are more often violated. Young women from Vietnam, from Laos, from Burma are being promised factory jobs in China. Then when they cross the border find themselves sold into brothels or into sexual slavery or sold to the highest bidder as wives.

The same thing happened in North Korea, the kidnapping of women in one part of China and then they are transported across the length and breadth of China, and being sold again to the highest bidder is another offshoot, another consequence of the one-child policy.

And it is getting worse. There is nothing—all of the women who are 20 years old today were born 20 years ago. There is no way to increase the supply except by going overseas. And this is, as you aptly put it, *gendercide*. It is a form of genocide specifically directed at one sex. But I have to say, this plays to the goal, the larger goal of the one-child policy, the larger goal of this population program, which is slated, according to the Chinese Government, to continue until 2050, 44 years in the future. The larger goal is to reduce the Chinese population. And the more women you eliminate from the population, the faster that reduction will take place because, obviously, only women have children.

So, the selective elimination of girls is something that I have not thought that the Chinese Government protests, have taken their protests seriously because I think it plays to their larger goal of reducing the population.

The tragedy of Chinese orphanages, where you have high mortality rates among young girls who are taken by good hearted people and dropped off at the doors of orphanages then only to languish and die because of the lack of proper care, is another aspect of this *gendercide*. And again it plays to the larger goal of the one-

child policy, to reduce population of China and specifically the population of girls.

Tibet: We had reports back dating from the early 1980s of people going to Tibet and coming back and talking about sterilization campaigns in Tibetan villages, campaigns which were consistently denied by the Chinese Government, campaigns which the Chinese Government said did not exist. I was amazed, quite frankly, when the government admitted that it was going to undertake a family planning campaign, a rigorous family planning campaign in western Turkistan because they have steadfastly denied applying the one-child policy to minorities, even as they surreptitiously did so. But to publicly admit this can mean only one thing. It can mean only that they are gearing up for a massive and intrusive campaign that makes past abuses, serious as they were, appear trivial by comparison.

Mr. SMITH. Mr. Wu, if you might want to speak to this, has any foreign government or international body raised the organ harvesting issue as a human rights issue?

Mr. Wu, has any foreign government, has the United States Government, has the United Nations, any human rights body, raised the issue of the organ transplant issue that you have raised here today, and then you raised one other time?

I would note for the record and it needs to be noted, that in the 1990s, through Mr. Wu's intervention, we were able to bring to a hearing like this, a policeman who was part of the actual killing, and matter of fact, we protected his identity from the press because there was a great fear of retaliation for the information he conveyed to the Subcommittee. But he spoke about exactly, with pictures of ambulances waiting to take the near dead, but not quite dead, person, to extract various organs, which, based on your testimony today, has only gotten worse and it is even being admitted to by Chinese leadership in the health ministry.

But my question is, has anyone confronted this in the international community, perhaps beside us, as a human rights abuse?

Mr. WU. Yes. Particularly, in European country, German, British and French, Sweden, Denmark, Holland, recently Italy, the Congressman and member of the Parliament talking about introduce a bill to forbid organ business and condemn Chinese organ harvesting. And of course, the media, especially BBC and ABC make documentary talking about this issue, and our foundation's documentary about, discussed killing, also win award from couple of the film festival. And I think this issue is quite very interesting. The other side means in the Chinese side, the harvesting from political prisoners is number is higher and higher, and the Chinese doctors supposed don't care about it.

And the Chinese people kind of selfishness and thinking about, you know, want to have organ to continue their life, they never thinking about this is kind of, it is a serious moral issue. And it is only happen in this country today. And that is why you see that the number of the hospital, and number of the doctor, and, number of the organ transplant cases in China is not decreasing.

Even many years ago, I testified before you, before the Senate, and even recently, there is a lot of report in China—in Europe, and I guess maybe, I think one of the environment today is everybody

is talking about China's market, make money and because they are such a huge cheap labor force and then they create a kind of political new concept that money can change totalitarian.

So I think we should not stop talking about these human rights violations in China. It is a double standard also there. When talking about there is control, you know, in America, abortion, forced abortion, is such a sensitive issue, but some Americans scholar when they talk about abortion in China, supposed, it is very different, okay, different point of view about it.

And then I would go back to about the forced products. I read a report from the State Department to the Congressman Henry Hyde. It is really disappointing, because, American signed a kind of agreements with China, MOU, SOU, for example, according to MOU and SOU, Chinese authority have to follow the rule, and like in 2 months, allow Americans to visit facility. They just ignoring it. And after 6 years, 5 years, you want to see that facility, now you can go. And American like to see it. Just went over there and come back, and say we didn't see anything, so list this facility off our listing. I just kind of, very disappointed, even I want, to but we still have a lot of cases and investigation, particular issues, and commerce and toys and Christmas lights and I promise that sooner or later we will present these evidence to you.

Mr. SMITH. Would any of our distinguished witnesses like to make any concluding comments or statement? Mr. Mosher.

Mr. MOSHER. I would just say, Mr. Chairman, that I greatly admire Mr. Harry Wu. I recall back in 1988 the issue of prison-made goods was brought to the attention of the Congress by Mr. Wu's good work. We went—I had the privilege of accompanying Harry to testify before the Senate Foreign Relations Committee at a hearing chaired by Senator Jesse Helms with a number of Senators present, at which he had presented tea and wine, which he documented had been made by prisoners in labor camps in China.

Of course, this issue today, 18 years later, continues and continues to languish sadly. But he has done a yeoman's work in this whole area.

Mr. SMITH. I want to thank all three of you for your extraordinary testimony, and above all, for your bearing witness to the truth, especially during this week when President Hu is here.

My hope is that the President will raise these issues, will raise them robustly, and not as an addendum to a list of other talking points.

I respect President Bush. I believe in his heart he cares deeply more freedom and democracy and human rights. But I think this is an opportune time for him to weigh in, I think effectively, on behalf of these fundamental human rights issues.

And you have laid out I think a very cogent case, a persuasive case, that China has fallen far from the mark and actually is deteriorating when it comes to human rights. And again, this is a country that has agreed to so many human rights treaties starting with the Universal Declaration of Human Rights and has acceded to so many and loves to talk about its accedence to those treaties, and yet it does not live up to its obligations.

These are matters of internationally recognized law. And our hope is that they will change their behavior and do it quickly.

But thank you so much. This has been an extraordinary panel. You are true heroes. And I would just say with Mr. Mosher, Mr. Wu, both of you, early on, brought forward information that nobody else was talking about. I think it was very interesting for you to point that out, Mr. Mosher, that when Harry Wu brought forth the laogai, most people didn't even know what he was talking about. And then he brought pictures and documentation, and you, in like manner with the new weapon of mass destruction that is being used by the PRC against its own people and against the Uighurs and against the Tibetans as a matter of genocide, and that is coercive population control, nobody even wanted to deal with the very disturbing reality that you put forward and brought forth.

And so, we are indebted to you and the Chinese women especially because as bad as it is, if left without any kind of criticism, surely it would have been much worse than it is even now. And it is very bad.

So thank you so much for that leadership, and again, thank you, Mrs. Lee and thank you, Mr. Decheng. The hearing is adjourned.

[Whereupon, at 1:50 p.m., the Subcommittee was adjourned.]

A P P E N D I X

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Testimony of Lucie Morillon,
 Washington Director
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Staff briefing on **"The Human Rights Situation in China: An Update"**

April 18, 2006

China has one of the world's worst records in terms of violations of press freedom. China deprives its people of the right to press freedom, bans all media independence and is the world's largest prison for journalists. Its political progress lags far behind its economic development. The print media, which is experiencing competition for the first time as the result of privatization is taking some risks, but it is also monitored and severely penalized for press offenses by the Chinese Communist Party's Propaganda Department. The state-run media is nothing but the Chinese authorities' mouthpiece.

There has been a crackdown on the media for the last 3 years. It began in mid-2003, with the arrest of key management figures of the daily *Nanfang Dushi Bao*, which sent a shock wave through the profession. The newspaper had carried an article about the investigation of the murder of a student who was tortured to death in a Guangdong police station and it revealed a new case of the SARS epidemic in the city without waiting for official permission. This reminded everyone in China that there is a line the media cannot cross.

The repression targeting independent journalists and the liberal media has intensified in the last few months, especially after President Hu Jintao became fearful of the **"color revolutions"**—the Orange revolution in Ukraine and the purple one in Kirgizistan—and decided to take the offensive against liberal forces and do whatever necessary to stay in power. He made a speech in September 2005 in which he said that if the Chinese authorities wanted to avoid being swept away, they would have to increase their control of the liberal media and of human rights activists.

Faced with growing social unrest, the government has chosen to impose a news blackout. The press has been forced into self-censorship, the Internet purged and the foreign media kept at a distance.

Arrests of journalists—particularly Chinese contributors to the foreign media—continued in 2005. **Ching Cheong**, a Hong Kong reporter with a Singapore daily, was imprisoned for “espionage.” In the meantime, **Zhao Yan**, contributor to the *The New York Times*, winner of the 2005 Reporters Without Borders’ Press Freedom Prize, is now being illegally held, as the charges of “disclosing state secrets” against him have been dropped. In **Tibet**, five monks were arrested for working on an underground publication, while in **Muslim Xinjiang**, the editor of a literary magazine was sentenced to three years in prison. As of today, at least 32 journalists are behind bars throughout the country.

Every day, Chinese editors receive a list of banned subjects from the Propaganda Department, since renamed the Publicity Department. These include demonstrations by peasants, the unemployed or Tibetans—nothing escapes the censors, who have created a climate of fear within editorial offices. When the army opened fire on **villagers** in December, draconian measures were taken: the press was banned from carrying anything but reports from the official *Xinhua* news agency, foreign reporters were *persona non grata* in the region, and every reference to the village was eliminated from the Internet.

In the same way, the announcement of the death of former prime minister Zhao Ziyang, ousted in 1989, was banned by the government and the mention of his name prohibited on television broadcasts, discussion forums and search engines.

In December the press was forbidden to print a single word on the death, while in exile, of journalist **Liu Binyan**, dubbed the “conscience of China”.

In 2005, the police arrested at least **16 foreign journalists** who were investigating sensitive issues. China has made no promise that they will be free to work during the run-up to the 2008 Olympic Games.

Television and radio are subjected to even greater control than the print media. The propaganda department imposed fines on *Guangdong* TV newscasters, who were deemed to be exercising too much freedom. Foreign channels are not accessible to most citizens, thanks to the “great wall of sound,” and are censored if they refer to human rights, Taiwan, or the Falun Gong spiritual movement.

The Internet is also strictly monitored. China was the first repressive country to realize that the Internet was an extraordinary tool for the promotion of free expression, and authorities quickly assembled the money and personnel required to spy on private e-mails and censor “subversive” websites. The regime soon proved that the Internet, like the traditional media, could be controlled. All that was needed was the right technology and an opportunity to crack down on the first “cyberdissidents.” Authoritarian regimes like China’s are getting increasingly efficient at blocking “objectionable” material, usually with the help of Western firms. Some IT companies—most of which are American, such as Yahoo!, Google, Microsoft, Cisco Systems—do not respect freedom of expression while operating in a repressive country. The **Global Online Freedom Act**, a bill introduced last February by Rep. Christopher Smith that would regulate the operations of Internet companies in repressive countries, seems to be the best way to protect US corporations from the temptation of collaborating with the Chinese Web censors.

One newspaper editor put it like this: The government gives us permission to “entertain and to promote consumption.” It is precisely in these sectors that foreign press groups are permitted to invest. Despite promises announced when it joined the World Trade Organization (WTO), **China has never opened its market to the foreign news media.** The General Administration of Press and Publications (GAPP) plans to step up its controls over “illegal foreign publications” and freeze the granting of publishing licenses to joint ventures in the media sector. These measures are a complete violation of WTO principles and will jeopardize the liberalization and development of the Chinese media.

Reporters Without Borders is calling **on President Bush to raise the issues of news censorship and repression against journalists and cyberdissidents** when he meets with President Hu Jintao on April 20. President Bush has made promotion of democracy a priority in his second mandate. Political change cannot happen in China if a free and independent media is prevented from providing the Chinese people with the information they need to make sound decisions.

